Michael Willis of the Chase Family,
In Propria Persona
Alias Dictus
: Michael-Willis: Chase.
Universal Postal Union And Postal Court
Registered **RF 513 920 292 US**
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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YAVAPAI

STATE OF ARIZONA	) CASE NO. CR201980661
	) CASE NO. V1300CR201980661
PLAINTIFF	) **FOR THE RECORD: DECLARED WITNESSED**
	) **TESTIMONY OF *MICHAEL WILLIS* OF THE**
VS.	) **CHASE FAMILY. NO NEXUS OF CONTRACT**
	) **FROM JOHN DAVID NAPPER, NO NEXUS OF**
Michael Willis of the Chase	) **CONTRACT FROM ADULT PROBATION**
Family, Principle Creditor For	) **DEPARTMENT, NO NEXUS OF CONTRACT**
MICHAEL WILLIS CHASE™	) **TO PAY FINES/FEES, NO REMEDY TO PAY**
	) **FEE/FINES, SILVER DOLLAR COIN IS THE**
	) **ONLY DOLLAR IN LAW. BY DECLARED**
	) **WITNESSED TESTIMONY BY *MICHAEL**
ACCUSED	) ***WILLIS* OF THE CHASE FAMILY.**
_____	)

Dated this 20th day of May, 2022.

In *"GOOD FAITH"* ***Michael Willis*** of the Chase Family.
*Reminder to COURT - **18 U.S. Code § 4 - Misprision of felony**
*Your **Loyalty Oath** On File

"For our wrestling is not against flesh and blood, but against the principalities, against the powers, against the world's rulers of the darkness of this age, and against the spiritual forces of wickedness in the heavenly places." Ephesians 6:12

"FOR THE RECORD: DECLARED WITNESSED TESTIMONY OF *MICHAEL WILLIS* OF THE CHASE FAMILY. NO NEXUS OF CONTRACT FROM JOHN DAVID NAPPER, NO NEXUS OF CONTRACT FROM ADULT PROBATION DEPARTMENT, NO NEXUS OF CONTRACT TO PAY FINES/FEES, NO REMEDY TO PAY FEE/FINES, SILVER DOLLAR COIN IS THE ONLY DOLLAR IN LAW. BY DECLARED WITNESSED TESTIMONY BY *MICHAEL WILLIS OF THE CHASE FAMILY*"

To Tina R. Ainley By Asseveration.
To John David Napper By Asseveration.

¶1. Regarding: The Accused ***Michael Willis*** of the Chase Family (hereinafter Declarant) **"FOR THE RECORD: DECLARED WITNESSED TESTIMONY OF *MICHAEL WILLIS* OF THE CHASE FAMILY. NO NEXUS OF CONTRACT FROM JOHN DAVID NAPPER, NO NEXUS OF CONTRACT FROM ADULT PROBATION DEPARTMENT, NO NEXUS OF CONTRACT TO PAY FINES/FEES, NO REMEDY TO PAY FEE/FINES, SILVER DOLLAR COIN IS THE ONLY DOLLAR IN LAW. BY DECLARED WITNESSED TESTIMONY BY *MICHAEL WILLIS OF THE CHASE FAMILY*"**

Notice

¶2. Notice Is Hereby Given that I, ***Michael Willis*** of the Chase Family, The Declarant has undergone a religious conversion to a **Denizen**[1], I do not take oaths, or affirmations. *Gordon versus Idaho* 778 F.2d 1397 (1985), [The United States Ninth Circuit Judge Harry Pregerson.][1] Psalm 116:11[1] and Romans 3:4[1].

1 **Denizen** Definition: Sir Walter Scott ***"Denizens of their own free, independent state"*** 1912. William Blackstone, Commentaries on the Laws of England, Book 1, Chapter X, p. 374 ***"A denizen is a kind of middle state, between an alien and a natural-born subject, and partakes of both."*** 1765. Gordon versus Idaho 778 F.2d 1397 (1985), -The United States Ninth Circuit Judge Harry Pregerson. ***"I'm simply saying that since we've all lied in the past and we've lied once or twice today and we're going to lie in the future, why kid ourselves by saying we tell the truth when in fact we do not. It's my position I would be guilty of perjury the moment I said `Do you swear to tell the truth, the whole truth and nothing but the truth so help you God' and I say `I do' I'm committing a lie." -George Gordon***. Psalm 116:11 ***"I said in my haste, all people are liars"***

¶3. Notice Is Hereby Given that the **"FOR THE RECORD: DECLARED WITNESSED TESTIMONY OF *MICHAEL WILLIS* OF THE CHASE FAMILY. NO NEXUS OF CONTRACT FROM JOHN DAVID NAPPER, NO NEXUS OF CONTRACT FROM ADULT PROBATION DEPARTMENT, NO NEXUS OF CONTRACT TO PAY FINES/FEES, NO REMEDY TO PAY FEE/FINES, SILVER DOLLAR COIN IS THE ONLY DOLLAR IN LAW. BY DECLARED WITNESSED TESTIMONY BY *MICHAEL WILLIS OF THE CHASE FAMILY*"** is declared witnessed solemn testimony of ***Michael Willis*** of the Chase Family by asseveration. Asseveration being the proof which ***Michael Willis*** of the Chase Family gives of the facts of what he says, by appealing to his conscience as a witness. It differs from an oath in this, that by the oath one appeals to ***Yahweh*** as a witness of the facts of what he says, and invokes ***Yahweh*** as the avenger of falsehood and perfidy (treachery or deceit), to punish him, by the courts, if he speak not the truth, which is a set up for perjury, because all men are liars. This is commonly known as an ***"oath of purgation"*** that was used in the Dark Ages to slaughter Pagans.

¶4. Notice Is Hereby Given that, this declared witnessed solemn testimony of ***Michael Willis*** of the Chase Family by asseveration. Know all these presents that Declarant, ***Michael Willis*** of the Chase Family does state the following: THAT ***Michael Willis*** of the Chase Family has personal knowledge of the facts stated herein. THAT ***Michael Willis*** of the Chase Family is competent to state to the matters set forth herein. THAT all the facts stated herein are correct and certain to the best of ***Michael Willis*** of the Chase Family knowledge, are admissible as evidence, and if called upon as a witnesses, ***Michael Willis*** of the Chase Family will testify to their veracity. THAT ***Michael Willis*** of the Chase Family states the following facts;

Romans 3:4 ***"May it never be! Yes, let God be found true, but every man a liar. As it is written"***

Constitution of "The State of Arizona" – 1912.
ARTICLE VI. JUDICIAL DEPARTMENT

¶5. ***"§25. Style of process; conduct of prosecutions in name of state. Section 25. The style of process shall be The State of Arizona, and prosecutions shall be conducted in the name of the State and by its authority."*** unquote.

Introduction

COURT UNABLE TO AFFECT A REMEDY.

See: Exhibit ☥ - Live-Life-Claim

¶6. COMES NOW the Declarants, appearing specially and ***NOT*** generally herein, demanding that the court dismiss the charges against the Declarants because of the court's ***incapacity*** to enforce the judgement ordered. In other words this, so called, Court ***CANNOT*** legally do, transmit, or receive ***payment*** of court costs, fines, etc. in "***lawful money***" according to ***current law***. In other words, the Court ***CANNOT*** effect a ***Remedy***, which means the Court ***CANNOT*** achieve justice in any matter in which legal rights are involved. This Declarant has never agreed to John D. Napper's court ordered judgment claiming harm caused by the Court, as an automatic operation of law because this Court is ***NOT*** a court of law exercising a ***legal remedy,*** which enforce the legal right to ***PAY***, a penalty, restitution, etc.. in ***lawful money***, which is this Declarants legal right, which was enacted to save Americans from financial ruin by the use of a ***fluctuating medium*** of Exchange.

1752 - Intent of the Founders Regarding Lawful Money.

¶7. For the record, **Roger Sherman** was the Constitutional Framer who wrote a "***Caveat***", which means a *"warning against injustice"* and "***An Inquiry Into the Evils of***

a Fluctuating Medium of Exchange" (1752). (See: **A Caveat Against Injustice – An Enquiry Into the Evil Consequences of a Fluctuating Medium of Exchange.**)

1776 – Roger Sherman

¶8. For the record, in 1766, at the age of 45, **Roger Sherman** was elected Judge of the Superior Court in New Haven, Connecticut, serving that office with distinction until 1788. **He was the *only* American to sign *all four* historic documents: the Continental Association of 1774, the Declaration of Independence, the Articles of Confederation, and "The United States Constitution."** Renowned for his high intelligence and unswerving honesty, Roger Sherman was described by John Adams

> ***"as honest as an angel and as firm in the cause of American independence as Mount Atlas."***

¶9. For the record, in 1791 Sherman was elected to the U.S. Senate where he served until his death in 1793. This quiet, humble, awkward man who farmed, educated himself, worked with his hands and his mind making shoes and poetry, making astronomical and economic calculations, making law and justice, is completely unknown to all but a handful of early American historians. ***Yet, if Judge Sherman hadn't stood up that hot August afternoon in Philadelphia and uttered "Article I Section 10," America would have been an endless series of banana republics, regime after regime printing itself out of existence.***

¶10. For the record, **Thomas Jefferson** paid Judge Sherman the most severe and valuable compliment:

> **"Roger Sherman was a man who never said a foolish thing in his life."**

> *"I place economy among the first and most important virtues and public debt as the greatest of dangers to be feared .... **We must NOT let our***

rulers load us with perpetual debt. *We* ***MUST*** *make our choice between economy and liberty or profusion and servitude. ...The same prudence which in private life would forbid our paying money for unexplained projects, forbids it in the disposition of* ***public money.*** ***We are endeavoring to reduce the government to the practice of rigid economy to avoid burdening the people*** ... " **-Thomas Jefferson**

August 28th, 1787 and 1792 – Lawful Money And The Intent of the Framers To "*Crush Paper Money*".

¶11. For the record, ***"Lawful money"*** is that money described in ***The Coinage Act of April 2, 1792, (See: Exhibit The Coinage Act of April 2, 1792),*** and in ***Article I Section 10*** of The United States Constitution: gold and silver coined by Congress, is the only "***lawful money***" the Supreme Law of the Land ***commands*** the states to make as ***legal tender***. **Article I Section 10's most salient part is this**:

> **"No state shall make any thing but gold and silver coin a *tender* in *payment* of debts."**
>
> See: [2] ***Legal tender.***

¶12. Once again, the Framer who perfected the design of our country's monetary system was a man who had spent most of his life struggling with - and publicly condemning-a fluctuating medium-of exchange. That man was Roger Sherman

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2 **Uniform Commercial Code §3-603. Tender of Payment.**
(a) If tender of payment of an obligation to pay an instrument is made to a person entitled to enforce the instrument, the effect of tender is governed by principles of law applicable to tender of payment under a simple contract.
(b) If tender of payment of an obligation to pay an instrument is made to a person entitled to enforce the instrument and the tender is refused, there is discharge, to the extent of the amount of the tender, of the obligation of an indorser or accommodation party having a right of recourse with respect to the obligation to which the tender relates.
(c) If tender of payment of an amount due on an instrument is made to a person entitled to enforce the instrument, the obligation of the obligor to pay interest after the due date on the amount tendered is discharged. If presentment is required with respect to an instrument and the obligor is able and ready to pay on the due date at every place of payment stated in the instrument, the obligor is deemed to have made tender of payment on the due date to the person entitled to enforce the instrument.

(1721-1793), a delegate from Connecticut. It was he who, on August 28th, 1787, proposed that the states sacrifice the power to participate in *paper money* [3] *ponzi schemes*. When it was counter-proposed that the states be allowed by Congress make other things than gold and silver coin a tender in payment of debts, we're told by James Madison that Sherman exclaimed,

> **"We are making these measures absolute. *This is a favorable crisis for crushing paper money*. If the consent of the Legislature could authorize *emissions* of it, *the friends of paper money would make every exertion to get into the Legislature in order to license it*."**

¶13. For the record, ***the voice of the legislator is a living voice, the legislator's intent constitutes the law, therefore the United States monetary law MUST listen carefully to Roger Sherman's voice, and be guided by the intentions it expresses. For A CAVEAT AGAINST INJUSTICE, word for word, is the very soul of the supreme law governing the money and the property of the people of the United States. It removes the danger of judicial speculation*** **as to the intent of the Constitution's monetary provision, being the *ONLY* authoritative description by a Framer of the monetary system the Framers wished to *avoid*, and why; and of the system they were advancing, and why.**

Paper Money / Fiat Money And

Mayer Amschel Rothchild, The Federal Reserve Bank and Karl Marx.

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3 ***A Ponzi scheme is*** an investment ***fraud*** that pays existing investors with funds collected from new investors. Ponzi scheme organizers often promise to invest your money and generate high returns with little or no risk. But in many Ponzi schemes, the ***fraudsters*** do ***NOT*** invest the money. Instead, they use it to pay those who invested earlier and may keep some for themselves. With little or no legitimate earnings, Ponzi schemes require a constant flow of new money to survive. When it becomes hard to recruit new investors, or when large numbers of existing investors cash out, these schemes tend to collapse. Ponzi schemes are named after Charles Ponzi, who duped investors in the 1920s with a postage stamp speculation scheme.

¶14. What is "fiat money" also called "paper money"? Why crush paper money? Who were the friends of paper money anyway?

"By a continuing process of *inflation*, governments can *confiscate*, secretly and unobserved, an important part of *the wealth* of its citizens. There is *NO* subtler, *NO* surer means of *overturning* the existing basis of society than to *debauch the currency*. The process engages all the *hidden* forces of *economic law* on the side of *destruction*, and does it in such a manner which *NOT* one man in a million is able to diagnose."

(See: John Maynard Keynes, "The Economic Consequences Of Peace", (1920)).

"Give me control over a nations currency, and I care *NOT* who makes its laws."

(Mayer Amschel Rothchild, 1743 – 1812).

***Karl Marx (1818-1883), of course, was a friend of paper money.* He held that a central bank empowered to emit paper money and *compel the people to use it was essential to government's control of individual property*.**

"The Federal Reserve Bank that ***should have been*** the farmer's greatest protection has become his ***greatest foe***. ***The deflation of the farmer was a crime deliberately committed***."

(William Jennings Bryant, U.S. Secretary of State, Hearst Magazine, November, 1923).

House Banking and Currency Committee September 30, 1941. Patman was questioning the Governor of the Federal Reserve Board Mr. Eccles. Patman asked:

"Representative Patman: How did you get the money to buy those two billion ***dollars*** worth of government securities in 1933?

Governor Eccles: We Created it.

Representative Patman: Out of what?

Governor Eccles: ***Out of the right to issue Credit Money.***

Representative Patman: And there is nothing behind it, is there, except our government's ***credit***.

Governor Eccles: That is what Our Monetary System is. ***If there were NO DEBTS in Our Monetary System, THERE WOULD BE NO MONEY."***

(See: House Banking And Currency Committee, Sept. 30, 1941).

Why "*Crush Paper Money*"?

¶15. ***To absolutely prohibited paper money, crushing it forever,*** **by locking the door in paper money's face!!! The system was, and is, simply ingenious.** ***With Article 1 Section 8, Congress was denied the power to print money. Article I, Section 8, Clause 5*****:**

> *The Congress shall have **Power**...] **To coin Money**, regulate the Value thereof, and of **foreign Coin**, and **fix the Standard of Weights and Measures**;...*

¶16. For the record, the **Federal Reserve Act** of 1913 ***defies*** Article 1, Section 8, Paragraph 5 of "The United States Constitution" by creating a "central bank of ***issue***" for the United States instead of Congress coining Money, regulating the Value thereof, … and fixing the Standard of Weights and Measures,...

The Jerry Russel Tender Story.

They refused payment by Jerry Russell by the Treasurer concerning a tax on a trailer. Jerry had gone in and tendered silver dollars coins at the buying sight

rate on the day of tender with me as his witness. The Treasurer refused payment. Jerry just scrapped the silver dollars coins off the counter into his hand put them back into his pocket off the table and said,

"Your Trying to Cheat Me."

He turned around and walked out. A "CHEAT" is a common law crime. So, now the County Clerk had committed a common law crime. Jerry had made the tender she had refused. He went home back to his place wrote up a "Notice of Presentment" told them when we had been there what had occurred the tender had been made and in so many dollars coin at the exchange rate of such and such tender had been refused payment had been made. She took it to the county attorney and the county attorney told her she lost. It was paid."

Tender - Payment Under Objection.

Remember to"just pay it Under Objection.". *Then the* ***payment*** *has to go under the* ***Treasury****, otherwise it goes into their* ***BANKING SYSTEM****. Under the statutes of Colorado payment of taxes or other fees, and the like, if they are* ***NOT PAID UNDER OBJECTION*** *they go into that* ***banking system****.* ***If you pay them UNDER OBJECTION they have to go into the Treasury. Just put on it [on the tax bill for example] "Paid Under Objection."***

We Must Have a Remedy.

They were kind of shook about the thing, you know? But under the circumstances that's the way the law is written from international agreements up all the way down. ***UCC is that way. Title 31 – Money and Finance. USC Section 5112*** *is that way. They are all consistent. And so, under the circumstances If Jerry did* ***NOT*** *have a* ***REMEDY*** *the Court had* ***NO CLAIM*** *anyway. If we* ***DON'T*** *have a* ***REMEDY,*** *under UCC any* ***CONTRACTS OR OBLIGATION*** *with the Court* ***VOID****.* ***And if they come back and state "give it back" then you apparently have a VOID CONTRACT."***

The ONLY "*Dollars*"
Known in Law

This [he holds up a silver dollar coin] is the only dollar known in law. Do we see any other statute other than ***Title 31 – Money and Finance. USC §5112 [see Exhibit title 31 – Money and Fiance. USC §5112 at the end of this section]?***

Was the Federal Reserve note in the statute [Title 31 – Money and Finance USC §5112]? Did they say the Federal Reserve note was a dollar? NO the code said A FEDERAL RESERVE NOTE] was an OBLIGATION.

What About
Tendering a Silver Dollar Coin – To a Bank.

That's a receipt I got for a silver dollar coin. I had a check from one of the schools and I took the check down and I told them when I went into the bank and I asked the gal at the desk in there,

> ***"I want to cash this check I'd like dollars silver coin pursuant to specific performance stated on the front of this instrument I would like dollars silver coin"***

and she said,

"she didn't understand".

So, she went and got the public relations officer, who was the president's kid, well he called me into his office and we went in and sat down and I asked him

"I'd like to cash this check."

And he says, "Ok."

I said,

> ***"I would like dollars silver coin minted by the U.S. Mint pursuant to the terms of the contract or instrument.***

And he said,

"We don't have dollars silver coins."

I said,

"Oh." I asked him, "What do you have?"

And he said,

"We have Federal Reserve notes."

I said,

"Oh, how many of those does it take to exchange for dollars so I can go purchase dollars silver coins so I can PAY my debts?"

And he said,

"I don't know."

And I said,

"I've got one right here" and I hauled one out and I said, "I paid twenty one thirty in Federal Reserve notes I'd like twenty one thirty times that amount so I can go buy dollars silver coin to PAY my debts."

And this guy just went three spaces over right then and there."

He got real shook, you have to watch their eyes when you do that because they'll start to vibrate then you know you pushed them. He got that button going and it's going haywire in there. When that eye starts going like this [twitching] careful. And so anyway he says,

"If you have a drivers license I'll cash this for you right now."

And I said,

"I don't have a drivers license."

And I reached over and took the check out of his hand folded it up nicely and neatly and put it into my pocket and I said, "I think I'll just keep this one." Because that's a check with insufficient funds. Which is a crime in our state.

Tender

That paper that property is paid. You take a witness and a tape recorder and then go home and write them a "NOTICE OF PRESENTMENT" [see Exhibit "Presentment"]. Tender made is tender paid. That's what they said wasn't it? Isn't that what they just said in Ward [Ward versus Smith, 74 U.S. (7 Wall) 207) re: Dishonored Bank Notes. It's been that way forever."

"Dollars in Title 31 – Money and Finance. USC §5112. There is no statute or court ruling that [a check] called that a dollars. NO one is crazy enough to call that piece of paper a dollar. (See: Exhibit - Title 31 – Money and Finance. United States Code §5112. Denominations, specification, and design of coins.)

"I just use, usually when it has to do with private parties I just take it down to the coin dealer and turn it back in and write on it, or if I take it to their bank, CASHED FOR FRN'S PARITY OF VALUE UNKNOWN. Or else I'll take it to the coin dealer and turn it back into gold or silver.

The ONLY "*Dollars*"
Known in Law

Hypothecation – How It Works.

Definition of Hypothecation as defined by **Dictionary of Banking Terms, Fitch, page 288, 1997 edition,** and stated in **Section 14(a) of the Federal Reserve Act of 1913.**

> "(1. **Banking**. **Offer of stocks, bonds, OR OTHER ASSETS** owned by a party *[like the American people]* ***other*** **than the** ***borrower*** *[who is Congress – Uncle Sam]* as ***collateral*** for a ***loan*** *[to Congress in exchange for bonds etc.]*, without ***transferring title*** *[of Congresses natural or human resources]*. If the ***borrower*** *[Congress]* turns the property *[Congresses natural or human resources]* ***over to the lender [the IMF and the World Bank] who HOLDS the property, which is the right to the natural or***

human resources] for safekeeping, the action is referred to as a ***PLEDGE***. If Congress, the ***borrower, retains possession***, but gives the lender the ***right to sell the property*** *[the natural or human resources]* in event of ***default***, it is a ***TRUE HYPOTHECATION***.

(2. **Securities**. The ***pledging of negotiable securities*** *[negotiable instruments like chattel property **titles** or superior **title** to real property]* to ***collateralize*** a broker's ***margin loan***. If the ***broker pledges*** the same securities to a bank as ***collateral*** for a broker's loan, the process is referred to as ***REHYPOTHECATION***."

Understanding "Hypothecation"

Congress...

[Uncle Sam - Congress] loans citizens of the United States one hundred billion $100,000,000,000 of ***Federal Reserve notes*** *[which is **NOT** an **obligation** of Congress it is the bill given to the citizens of the United States]* every month. That would be fine by the "IMF, under normal circumstances, but Congress ***dissolved*** the American people's governmental structure years ago. So, the de facto government is ***insolvent***.

International Monetary Fund (IMF) Is The Creditor...

So, how is Congress going to pay the IMF back?

Congress...

No worries says Congress, we'll ***collateralize*** it with ***ALL*** the nations natural and human resources. Congress will start selling those natural resources to the ***private sector*** and as soon as they pay us, we'll pay the IMF.

IMF...

IMF says, "But Sam you've been drinking!"

Congress...

Congress says, "We know but we promised to pay as soon as we ***sell*** those natural

resources."

IMF...

"Let the loans fly based on the ***collateral***." So, Congress sold the post office to the Rockefellers, the Coast Guard to the French ***OR deeded superior title to the National Parks as quarterly interest due on the loans to the IMF***. Congress finally has ***NO*** more natural resources to ***pledge*** as ***collateral***, now what?

Re-Hypothecation.
Congress...

"Hey IMF, lend [Uncle Sam - Congress] more, much more than one hundred billion $100,000,000,000 of your federal reserve notes obligations every month would you?"

IMF...

"Under normal circumstances that would be fine, but you sold ALL your natural resources and we still have an outstanding balance on the original hypothecation. And the World Bank financed the purchases by private buyers of your former natural resources. The new owners defaulted on their World Bank financing then the World Bank took over ALL Congresses former natural resources at foreclosure prices [at about 10 cents on the dollar]. Next, the World Bank exercised citizens of the United States guarantees on the World Banks loses on our bills of credit, the Federal Reserve note obligations, on our original loans with the IMF, we then sent Congress the bill. As Congress remembers it's subscription agreement with the IMF and the World Bank. Now, the IMF and World Bank own ALL the natural resources, Congress has dissolved American's governmental structure, as a matter of law, years ago and gotten deeper in debt Congress has become an incorrigible drunk. And now Congress wants to re-hypothecate Congresses original debt! How

is Congress going to PAY the IMF and World Bank back? What PLEDGE does Congress have."

Congress...

"No worries," says Congress. All citizens of the United States are our slaves Congress owns their lifetime labor as a matter of law. So, we'll give the IMF and the World Bank title to our chattel. Congress will lease our citizens of the United States to the several states who will owe us for our slaves services. As soon as Congress collects from the several states on our slaves services, we'll pay the IMF and World Bank."

IMF...

The IMF, our creditors says, "But Uncle Sam you've become irresponsible an incorrigible drunk!"

Congress...

Congress, the debtor says, "We know but the several states promise to pay Congress as soon as they sober up. Then we'll pay the IMF and the World Bank."

IMF...

The creditor says, "Which states are in the program?"

Congress…

The debtor says, "All of them."

IMF...

The IMF and World Bank says, "Ok, well, we have pledges from all citizens of the United States, let the loans fly! Only a fool would sign a contract that allows his broker to re-hypothecate original collateral without a pledge! If Uncle Sam

[Congress] defaults we'll just keep TITLE to their slaves."

Law Term…Definitions

Federal reserve notes. Form of currency issued by Federal Reserve banks in the likeness of noninterest bearing promissory note payable to bearer on demand. The ***federal reserve note*** (e.g. one, five, ten, etc. dollar bill) is the most widely used paper currency. Such have replaced silver and gold certificates which were backed by silver and gold. ***Such reserve notes are direct obligations of the United States.*** **Blacks Law Dictionary 6th edition.**

Money. ***Gold, silver, and some other less precious metals***, in the progress of civilization and commerce, have become the common standards of value; in order to avoid the delay and inconvenience of regulating their weight and quality whenever passed, the governments of the civilized world have caused them to be manufactured in certain portions, and marked with a ***Stamp*** which attests their value; this is called money. **Bouviers Law Dictionary 1856 edition.**

Paper Money. Bills drawn by a government against its *own credit*, engaging to pay money, but which do *NOT* profess to be immediately convertible into *specie*, and which are put into ***compulsory*** circulation as a ***substitute*** for coined money. See Federal Reserve notes; Legal tender. **Blacks Law Dictionary 6th edition.**

Hypothecation, civil law. This term is used principally in the civil law; **it is defined to be a right which a *creditor* has over a thing belonging to another, and which consists in the power to cause it to be sold, in order to be paid his claim out of the proceeds...Bouvier's Law Dictionary, 1856 edition.**

Obligation of Contracts. By this expression, which is used in the constitution of the United States, is meant a legal and not merely a moral duty. 4 Wheat. 107. ***The obligation of contracts consists in*** the necessity under which a man finds himself to, do, or to refrain from doing something. This obligation consists generally both in foro legis and in foro conscientice, though it does at times exist in one of these only. It is certainly of the first, that in foro legis, which the framers of the constitution spoke, ***when they prohibited the passage of any law impairing the obligation of contract.*** See Impairing the obligation of contracts. **Bouviers Law Dictionary 1856 edition.**

Collateral Security, contracts. ***A separate obligation attached to another contract, to guaranty its performance. By this term is also meant the transfer of property or of***

other contracts to insure the performance of a principal engagement. **The property or securities thus conveyed are also called collateral securities. Bouviers Law Dictionary, 1856 edition.**

Guarantee, contracts. He to whom a guaranty is made. ***2. The guarantee is entitled to receive payment, in the first place, from the debtor, and, secondly, from the guarantor.*** He must be careful not to give time beyond that stipulated in the original agreement, to the debtor, without the consent of the guarantor; the guarantee should, at the instance of the guarantor, ***bring an action against the principal for the recovery of the debt***. But the mere omission of the guarantee to sue the principal debtor will not, in general, ***discharge*** the guarantor. **Bouviers Law Dictionary 6th edition.**

Guarantor, contracts. He who makes a guaranty. **2.** ***The guarantor is bound to fulfill the engagement he has entered into, provided the principal debtor does not.*** He is bound only to the extent that the debtor is, and any payment made by the latter, or release of him by the creditor, will operate as a release of the guarantor; or even if the guarantee should give time to the debtor beyond that contained in the agreement, or substitute a new agreement, ***or do any other act by which the guarantor's situation would be worse, the obligation of the latter would be discharged.***
3. ***A guarantor differs from a surety in this,*** that the former cannot be sued until a failure on the part of the principal, when sued; while the latter may be sued at the same time with the principal. **Bouviers Law Dictionary 6th edition.**

Guaranty, contracts. A promise made upon a good consideration, to answer for the payment of some debt, or the performance of some duty, in case of the failure of another person, who is, in the first instance, liable to such payment or performance.

2. The English statute of frauds, 29 Car. II. c. 3, which, with modification, has been adopted in most of the states; 3 Kent's Com. 86 requires, that ***"upon any special promise to answer for the debt, default, or miscarriage of another person, the agreement, Or some memorandum, or note thereof, must be in writing, and signed by the party to be charged therewith, or some other thereunto by him lawfully authorized."*** This clause of the statute is not in force in Pennsylvania. To render this statute valid, under the statute, its form must be in writing; it must be made upon a sufficient consideration; and it must be to fulfill the engagement of another.

3. - 1. The agreement must be in writing, and ***signed by the party to be bound***, or some one authorized by him. It should substantially contain the names of the party promising, and of the person on whose behalf the promise is made; the promise itself, and the consideration for it.

4. - 2. The word agreement in the statute includes the consideration for the promise, as well as the promise itself; if, therefore, the guaranty be for a subsisting, debt, or engagement of another person, not only the engagement, but the consideration for it, must appear in the writing. This has been the construction which has been given in England, and which has been followed in New York and South Carolina, ***though it has been rejected in several other states***. The decisions have all turned upon the force of the word agreement; and where by statute the word promise has been introduced, by requiring the promise or agreement to be in writing, as in Virginia, the construction has not been so strict.

5. - 3. ***The guaranty must be to answer for the debt or default of another.*** The term debt implies, that the liability of the principal debtor had been previously incurred; but a default may arise upon an executory contract, and a promise to pay for goods to be furnished to another, is a collateral promise to pay on the other's default, ***provided the credit was given, in the first instance, solely to the other***. It is a general rule, that when a promise is made by a third person, previous to the sale of goods, or other credit given, or other liability incurred, it conies within the statute, when it is conditional upon the default of another, who is solely liable in the first instance, otherwise not; the only inquiry to ascertain this, is, to whom was it agreed, that the vendor or creditor should look in the first instance? ***Many nice distinctions have been made on this subject***. **1st.** When a party actually purchases goods himself, which are to be delivered to a third person, for, his sole use, and the latter was not to be responsible, this is not a case of guaranty, ***because the person to whom the goods were furnished, never was liable.*** 8 T. R. 80. **2d.** Where a person buys goods, or incurs any other liability, jointly with another, but for the use of that other, ***and this fact is known to the creditor, the guaranty must be in writing***. 8 John. R. 89. **3d.** A person may make himself liable, in the third place, by adding his credit to that of another, but conditionally only, in case of the other's default. ***This species of promise comes immediately within the meaning of the statute, and in the cases is sometimes termed a collateral promise.***

6. Guaranties are either special or for a particular transaction, *or they are continuing guaranties*; that is, they are to be valid for other transactions, *<u>though NOT particularly mentioned</u>*. Bouviers Law Dictionary 6th edition.

Specific Purpose Statements (SPS)
Declarant's Established Legal Inalienable Rights
And Pattern of Action.

¶17. ***First,*** *established legal inalienable right and pattern of action...* **Declarant**, ***Michael Willis*** of the Chase Family alleges that the **Plaintiff**, Tai Davis, does ***NOT*** know all the facts affecting his claim(s). For the record, Declarant did ***NOT*** create a "negotiable instrument", which is ***Commercial Paper***, by signing **John D. Napper's** "***Judgment of Guilt and Sentence***" March 7, 2022 in case V1300CR201980661, which justifies relief, which is a remedy for this Declarant because Tai Davis has ***NO*** tangible injuries against this Declarant, yet he seeks a court order against this Declarant. Tai Davis ***has NO*** legal right. The Declarant has ***NOT*** breached ***NOR*** violated any contract right. The Plaintiff, Tai Davis, thereby ***suffered NO harm***.

¶18. ***Second,*** *established legal inalienable right and pattern of action…* Declarant ***Voided for Fraud*** the basis of the finding of guilt, which was by a "Plea of guilty/no contest, after knowing, voluntary and intelligent waiver of all pertinent rights." Signed on by John D. Napper's signed instrument: "Judgment of Guilt and Sentence" March 7, 2022 in case V1300CR201980661). Autographed under Threat, Duress and Coercion by Declarant dishonoring John D. Napper's presentment, with the intent to ***Void for Fraud*** any creation of any negotiable instrument. … which justifies relief, which is a remedy for this Declarant because Tai Davis has ***NO*** tangible injuries against this Declarant yet he seeks a court order against this Declarant. Tai Davis ***has NO*** legal right. The Declarant has ***NOT*** breached ***NOR*** violated any contract right. The Plaintiff, Tai Davis, thereby ***suffered NO harm***.

¶19. ***Third,*** *established legal inalienable right and pattern of action…* Declarant has an established legal inalienable right to Good Faith by others. Good faith is central to the ***Commercial Paper*** John D. Napper's signed instrument: "Judgment of Guilt and Sentence" March 7, 2022 in case V1300CR201980661) is ***VOID FOR FRAUD*** because there are legal reasons why ***payment MUST NOT*** occur, which justifies relief, which is a remedy for this Declarant because Tai Davis has ***NO*** tangible injuries, as a holder in

due course with this Declarant as a party to a contract. Yet Plaintiff seeks a court order against this Declarant for Breach of Contract where there is ***NONE***. Tai Davis ***has NO*** legal right. The Declarant has ***NOT*** breached ***NOR*** violated any contract right. The Plaintiff, Tai Davis, thereby ***suffered NO harm*** as a holder in due course against this Declarant.

¶20. ***Forth,*** *established legal inalienable right and pattern of action…* Declarant has an established legal inalienable right to know if Plaintiff Tai Davis, is a holder, a person, who took John D. Napper's Commercial Paper, (John D. Napper's signed instrument: "Judgment of Guilt and Sentence" March 7, 2022 in case V1300CR201980661), subject to Plaintiff false belief that Plaintiff would be paid for a period of 2 years for supervised probation by this Declarant. The Plaintiff's false belief is that he will be paid by this Declarant and yet there were ***NO*** legal reasons why payment would occur is a result of the holder, Tai Davis, taking (Judge Napper's signed instrument: "Judgment of Guilt and Sentence" March 7, 2022 in case V1300CR201980661) for value, and believing the ***commercial paper*** to be ***good***, ***without inspection*** of Judge Napper's Commercial Paper to ***authenticate*** it's ***negotiability***. The Plaintiff knew ***OR*** should have known that this Declarant did ***NOT*** endorse said defective instrument. It was refused by Declarant. However, Declarant did autograph under ***Threat***, ***Duress*** and ***Coercion,*** which justifies relief, which is a remedy for this Declarant because Tai Davis has ***NO*** tangible injuries, ***NO*** right of recover against this Declarant as a holder in due course. Yet Plaintiff seeks a court order against this Declarant. Tai Davis has ***NO*** legal right. The Declarant has ***NOT*** breached ***OR*** violated any contract right of the Plaintiff Tai Davis, thereby Plaintiff has suffered ***NO*** harm.

¶21. ***Fifth,*** *established legal inalienable right and pattern of action…* Declarant has an established legal inalienable right to know, on the record, if, on the other hand, Plaintiff Tai Davis, the holder, who accepted John D. Napper's ***defective Commercial Paper***,

(Judge Napper's signed instrument: "Judgment of Guilt and Sentence" March 7, 2022 in case V1300CR201980661), that was ***presented*** in open court and has been ***dishonored*** (via autographed under ***Threat***, ***Duress*** and ***Coercion***) by this Declarant. Plaintiff, Tai Davis, knew or should have known that something was wrong with John D. Napper's Commercial Paper, since it had been ***presented*** and ***dishonored*** by this Declarant, and therefore, Plaintiff ***CANNOT*** allege that John D. Napper's Commercial Paper was ***accepted*** in the good faith belief that it was ***valid***.

¶22. ***Sixth,*** *established legal inalienable right and pattern of action…* "State of Arizona" ***CANNOT*** issue a Bill of Credit because the de jure "State of Arizona" works for "We The People". So, [4] "The State of Arizona" ***MUST*** be ***paid*** according to ***"Article 1 Section 10,"*** of The United States Constitution, which states:

> **"No state shall make any thing but gold and silver coin a [5] *tender* in *payment* of debts."**

¶23. ***Seventh,*** *established legal inalienable right and pattern of action...* for the record, ***ALL*** of John D. Napper's signed instruments, including but ***NOT*** limited to: "Judgment

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4 **The Constitution of the State of Arizona. Article VI. Judicial Department. §25. Style of process; conduct of prosecutions in name of state.** Section 25. The style of process shall be "The State of Arizona", and prosecutions shall be conducted in the name of the state and by its authority.

5 **Uniform Commercial Code §3-603. Tender of Payment.**
(a) If tender of payment of an obligation to pay an instrument is made to a person entitled to enforce the instrument, the effect of tender is governed by principles of law applicable to tender of payment under a simple contract.
(b) If tender of payment of an obligation to pay an instrument is made to a person entitled to enforce the instrument and the tender is refused, there is discharge, to the extent of the amount of the tender, of the obligation of an indorser or accommodation party having a right of recourse with respect to the obligation to which the tender relates.
(c) If tender of payment of an amount due on an instrument is made to a person entitled to enforce the instrument, the obligation of the obligor to pay interest after the due date on the amount tendered is discharged. If presentment is required with respect to an instrument and the obligor is able and ready to pay on the due date at every place of payment stated in the instrument, the obligor is deemed to have made tender of payment on the due date to the person entitled to enforce the instrument.

of Guilt and Sentence" March 7, 2022 in case V1300CR201980661 stated that "Defendant shall ***pay*** the following financial obligations through the Clerk of the Superior Court in Yavapai County this date or as follows:..."

¶24. ***Eighth,*** *established legal inalienable right and pattern of action...* for the record, Declarant has attempted to ***pay*** ***timely*** under ***Threat***, ***Duress*** and ***Coercion*** because of threat to Declarant's ***life***, ***liberty*** and ***property***. Defendant ***tendered*** ***payment***, according to ***"Article 1 Section 10,"*** of The United States Constitution, which states: **"No state shall make any thing but gold and silver coin a *tender* in *payment* of debts."** Defendant tendered the payment under ***Threat***, ***Duress*** and ***Coercion*** to The Court Clerk, **Donna McQuality**, and her Chief Deputy Clerk, **Kelly Gregorio**, both of which have committed gross violations and usurpations of law, detriment to Declarant's ***life***, ***liberty*** and ***property***, both of which relinquished the sovereignty of "The State of Arizona", to some foreign character ***OR*** powers by converting the Declarant's property in violation of ***United States Code Title 18. Crimes and Criminal Procedure, §654. Officer or employee of United States converting property of another.***

¶25. ***Ninth,*** *established legal inalienable right and pattern of action...* for the record, Declarant tendered payment to the Court Clerk, **Donna McQuality**, and her Chief Deputy Clerk, **Kelly Gregorio**, according to the Common Law, which is recognized by the **"Uniform Commercial Code §3-603. Tender of Payment."** Declarant tendered payment, even though there is NO valid instrument signed by this Declarant. Why should I pay a debt I ***DO NOT*** owe? Because I choose to keep from being arrested and jailed for contempt of court. I attempted to pay to the Court Clerk, **Donna McQuality**, who is the a **person entitled to enforce** the instrument according to John D. Napper's Court Order. The effect of Declarant's tender was governed by principles of law applicable to tender of payment typically under a simple contract. Under Chief Deputy Clerk, **Kelly Gregorio**, once again, with Declarant's tender of payment of an alleged

void obligation to pay an instrument was made to the Court Clerk, Donna McQuality, the person entitled to enforce the instrument. Declarant's tender of silver dollar coins, according to the 1792 Coinage Act, was ***refused***, therefore, according to Common Law and the Uniform Commercial Code the debt was paid. In the words of the Uniform Commercial Code **§3-603. Tender of Payment,** there was discharge, to the extent of the amount of the tender. For the record, this Declarant NEVER has been an indorser ***OR accommodation*** party with an obligation. This Declarant was able and ready to pay on the supposed due date at the place of payment stated in the instrument, which is John D. Napper's Judgment Order. Declarant made tender of payment on the due date to the person entitled to enforce the instrument, which was defined with a witness. Next, Declarant traveled to the Court Clerk, Donna McQuality's Chief Deputy Clerk, **Kelly Gregorio**, in Verde Valley. Once again, Declarant's tender of payment of an alleged void obligation to pay in silver dollar coins, according to the 1792 Coinage Act, was denied.

Code Pleading "Legal Terms"

Code Pleading: "...Under code pleading the plaintiff has only to make a statement of facts that, if true, justify legal relief. ***The only requirement is*** that those facts fit the general pattern of some established legal right and that they state a claim on which relief can be granted. Furthermore, the plaintiff can present alternative or even inconsistent sets off acts and leave it to the trier of fact to establish which are correct. This is allowed when the plaintiff does ***NOT*** know all the facts affecting the claim, so long as the pleading is made honestly and in ***Good Faith***. More than one cause of action can be alleged but they ***MUST*** be stated as separate counts. For example, some states allow a simplified form of pleading of a breach of contract. The plaintiff may simply state that money is owed but has ***NOT*** been paid or services have been rendered but payment has ***NOT*** been made.

Code pleading solved many of the problems associated with common-law pleading but it also spawned a new controversy. The requirement that a plaintiff set out a claim by reciting facts justifying relief left open the question of what facts might be

included. It has often been said that a plaintiff need plead ***Ultimate Facts***, plead ***NOT*** legal conclusions. Case after case has been fought on this point. The distinction primarily concerns how much detail ***MUST*** be given. A plaintiff ***MUST*** be able to show that he or she has a legal right, the defendant breached or violated that right, and the plaintiff thereby suffered some harm." From West's Encyclopedia of American Law, edition 2. (Emphasis add).

Good Faith: "...Good faith is also central to the ***Commercial Paper*** (checks, drafts, promissory notes, certificates of deposit) concept of a holder in due course. A holder is a person who takes an instrument, such as a check, subject to the reasonable belief that it will be paid and that there are no legal reasons why payment will not occur. If the holder has taken the check for value and in good faith believes the check to be good, she or he is a holder in due course, with sole right to recover payment. If, on the other hand, the holder accepts a check that has been dishonored (stamped with terms such as "insufficient funds," "account closed," and "payment stopped"), she or he has knowledge that something is wrong with the check and therefore cannot allege the check was accepted in the good faith belief that it was valid." From West's Encyclopedia of American Law, edition 2. (Emphasis add).

Ultimate Facts: "...The concept of ultimate facts used to be an essential part of preparing a **Pleading** = in a civil action. Until the late 1930s, the rules of **Civil Procedure** in federal and state courts required parties to plead on the basis of a statement of facts constituting the **Cause of Action** or defense. These ultimate facts alleged the substance of the cause of action and were distinguished from evidentiary facts, which concerned the particular events of the case, and conclusions of law. The highly technical distinctions among ultimate facts, evidentiary facts, and conclusions of law created great confusion and often led to the dismissal of cases based on a pleading mistake....

Over time, however, ***Code Pleading*** became very technical and required the pleader to set forth the facts underlying and demonstrating the existence of the cause of action. The pleading of ultimate facts was necessary, while the inclusion of evidentiary facts and conclusions of law was improper. Judges and attorneys found it difficult, if ***NOT*** impossible, to draw meaningful and consistent distinctions among these three terms. With ***NO*** clear dividing line between a fact that demonstrated a cause of action and one that introduced specific evidence, courts made formal and often ***Arbitray*** decisions that were unrelated to the merits of the case. Courts demanded a high degree of specificity and bound the parties to prove the ultimate facts alleged or lose the lawsuit.

This requirement was particularly harsh because it forced a party to allege detailed facts early in the case ***when there was still uncertainty over what facts had occurred***.By the 1930s legal commentators agreed that the need to plead ultimate facts was hindering the cause of justice. The Federal Rules of Civil Procedure, which were adopted in 1938, eliminated the ultimate fact requirement and changed the philosophy behind the plaintiff's complaint and the defendant's answer. In place of ultimate facts, rule 8 (a) provides that the complaint shall contain "a short and plain statement of the claim showing that the pleader is entitled to relief." Likewise, the defendant "shall state in short and plain terms" the defenses to the plaintiff's complaint. The rules ***DO NOT*** require that only facts be alleged. Most states have adopted the federal rules in whole or in part, and the need to state ultimate facts in a pleading is ***NO*** longer of great importance." From West's Encyclopedia of American Law, edition 2. (Emphasis add).

Arbitrary, irrational; capricious. The term *arbitrary* describes a course of action or a decision that is *NOT* based on reason *OR* judgment but on personal will *OR* discretion without regard to rules *OR* standards.

An arbitrary decision is one made without regard for the facts and circumstances presented, and it connotes a ***disregard of the evidence***.

In many instances, the term implies an element of ***bad faith***, and it may be used synonymously with ***tyrannical OR despotic***.

The term arbitrary refers to the standard of review used by courts when reviewing a variety of decisions on appeal. For example, the ***arbitrary and capricious*** standard of review is the principle standard of review used by judicial courts hearing appeals that challenge decisions issued by ***administrative bodies***.

At the federal level and in most states, ***administrative law is a body of law made by Executive Branch agencies that have been delegated power to promulgate rules, regulations, and orders, render decisions, and otherwise decide miscellaneous disputes.*** Non-elected officials in administrative agencies are delegated this authority in order to streamline the often lengthy and more deliberative process of legislative lawmaking that frequently grinds to a halt amid partisan gridlock. ***Although administrative agencies are generally designed to*** make lawmaking and regulation simpler, more direct, and less formal, they still ***MUST*** provide due process to affected parties. They ***MUST*** also comply with ***administrative procedures*** created by popularly elected state and federal legislatures.

One important right recognized in most administrative proceedings is the right of ***Judicial Review***. Citizens aggrieved by the actions of an ***administrative body*** may

typically ask a judicial court to review those actions for error. In establishing the standard by which judicial courts will review the actions of an ***administrative body***, state and federal legislatures seek to provide ***agencies*** with enough freedom to do their work effectively and efficiently, while ensuring that ***individual rights*** are protected.

Congress tried to maintain this delicate balance in the administrative procedure act (APA). The APA limits the scope of a reviewing court's authority to determining whether the agency acted ***arbitrarily and capriciously*** in exercising its discretion. 5 USCA §701. In making this determination, the reviewing court will ***NOT*** find that the administrative body acted arbitrarily unless the ***agency*** failed to follow proper procedures ***OR*** rendered a decision that is so clearly erroneous that it ***MUST*** be set aside to avoid doing an injustice to the parties.

Specifically, a reviewing court ***MUST*** determine whether the ***agency*** articulated a rational connection between the factual findings it made and the decision it rendered. The reviewing court ***MUST*** also examine the record to ensure that the ***agency*** decision was founded on a reasoned evaluation of the relevant factors. Although ***agencies*** are given wide latitude, reviewing courts ***MUST*** be careful ***NOT*** to rubber-stamp administrative decisions that they deem inconsistent with a statutory mandate ***OR*** that frustrate the ***congressional policy*** underlying a statute.

Typically, reviewing courts look at the whole record in making this determination, take into account the agency's expertise on any particular matters, and accept any factual findings made by the agency. However, the reviewing court is free to determine how the law should apply to those facts. If the reviewing court concludes that the agency's actions were so arbitrary as to be out-side any reasonable interpretation of the law, the court may ***overturn the agency's decision OR remand the case*** back to the ***agency*** for further proceedings in accordance with the court's decision.

A reviewing court's determination that an agency acted in an arbitrary manner will often depend on the technical requirements of the governing law. For example, courts are often asked to determine whether a ***federal agency*** has acted ***arbitrarily*** under the national environmental policy act (NEPA). Pub. L. 91-190, §2, Jan. 1, 1970, 83 Stat. 852, as amended,42U.S.C.A. §§4321 et seq. In one case the Ninth Circuit ruled that the ***Transportation Department*** acted ***arbitrarily*** under NEPA, when it ***failed to*** prepare an environmental impact statement, ***failed to*** consider whether its regulations would have violated air quality limits, and ***failed to*** perform localized analyses for areas most likely to be affected by increased truck traffic. *Public Citizen versus Department of Transportation*, 316 F. 3d 1002 (9th Cir. 2003). **From West's Encyclopedia of American Law, edition 2. (Emphasis add).**

Body of Facts #1

FILED
Date: March 7, 2022
5 o'clock P.M.
Donna McQuality, Clerk
By: M. Greenwood
Deputy

SUPERIOR COURT OF ARIZONA
YAVAPAI COUNTY
JUDGMENT OF GUILT AND SENTENCE

2 Div. | MARCH 7, 2022 Date | JOHN D. NAPPER Judge | M. GREENWOOD Deputy Clerk

V1300CR201980661

STATE OF ARIZONA

VS

MICHAEL WILLIS CHASE
AKA _____ [D-1]
DOB 06-29-1971
Victim Case YES

Yavapai County Attorney
by: GLEN ASAY

NATHAN BEST
Advisory Counsel
FTR GOLD
Court Reporter
LISA CHANEY
Interpreter

START TIME: 11:06 a.m.

END TIME: 11:32 a.m.

SENTENCE – PROBATION [Minute Entry: Sentencing]

IT IS THE JUDGMENT of the Court that Defendant is guilty of the nondangerous, nonrepetitive crime(s) of:

Count 1 (As Amended) – Attempted Misconduct Involving Simulated Explosive Devices, a Class 6 Undesignated Felony, in violation of A.R.S. §§ 13-1001, 13-3110(A), 701, 702 and 801, committed on or about November 21, 2019

Count 2 (As Amended) – Criminal Damage, a Class 6 Undesignated Felony, in violation of A.R.S. §§ 13-1602(A)(1), 701, 702 and 801, committed on or about November 21, 2019

Count 4 – Resisting Arrest, a Class 1 Misdemeanor, in violation of A.R.S. §§ 13-2508(A)(3), 707 and 802, committed on or about November 21, 2019

Count 5 (As Amended) – Disorderly Conduct, a Class 1 Misdemeanor, in violation of A.R.S. §§ 13-2904(A)(1), 707 and 802, committed on or about November 21, 2019

[X] County Atty (e)
[ ] AG(e)
[X] VS (e)
[X] APD (e)
[X] YCSO (e)
[X] Financial Services (e)
[ ] YCSO-SOCU (e-mail)
(Dispo Screen Complete ☒)
(Dispo Report Complete ☒)

[ ] Prefilal Services (e)
[ ] DOC (packet)
[ ] YCSO (cert)

[X] Def Atty. In Pro Per – PO Box 4461, Sedona, AZ 86340
[X] PD (e) – courtesy copy
[ ] Other _____
[ ] Other _____
[ ] Homeland Security (packet)
[X] Div. 2 (e)

TOTAL 1 sen-pro 12/31/2018

V1300CR201980661
STATE V MICHAEL WILLIS CHASE
SENTENCE OF PROBATION
DATE: MARCH 7, 2022

The basis of the finding of guilt was by:

[X] Plea of guilty/no contest; after a knowing, voluntary and intelligent waiver of all pertinent rights.

Sentence is suspended and Defendant is placed on **supervised probation** for a period of **2 YEARS** as to Count 1, 2, 4 and 5 commencing this date.

SENTENCES OF PROBATION SHALL RUN CONCURRENTLY TO ONE ANOTHER OR AT THE SAME TIME.

Defendant shall:

[X] Be incarcerated in the Yavapai County Jail for 308 DAYS commencing THIS DATE.
Credit for time served: 308 DAYS

[X] Be incarcerated in the Yavapai County Jail for **120 DAYS** commencing upon written request of the Adult Probation Department and further order of the court.
Credit for time served: 0 DAYS

Defendant shall pay the following financial obligations through the Clerk of the Superior Court in Yavapai County this date or as follows:

[X] **Restitution** in the total amount of $3,713.

[X] **Fine** of $750 plus surcharge of 78 percent.

[X] **Probation Services Fee** of $50 per month commencing April 11, 2022.

[ ] **Pursuant to A.R.S. § 12-116(A), a Time Payment fee of $20 shall be assessed in addition to any Court Ordered Drug fines and fees, DUI fines and fees or Restitution if not paid in full this date.**

[X] **Pursuant to A.R.S. § 12-116.09(A), a Victim Rights Enforcement Assessment of $2 shall be assessed on every fine, penalty and forfeiture imposed.**

[X] **Pursuant to A.R.S. §12-114.01, a Probation Surcharge of $20 shall be assessed.**

[ ] **Pursuant to A.R.S. §13-804F, restitution shall be joint and several, with any Co-Defendant(s) and shall be reduced by any amounts paid by the Co-Defendant(s).**

[X] **Pursuant to A.R.S. §12-116.04, a penalty assessment of $13 shall be levied.**

V1300CR201980661
STATE V MICHAEL WILLIS CHASE
SENTENCE OF PROBATION
DATE: MARCH 7, 2022

[ ] **Pursuant to A.R.S. §12-116.06, an assessment of $50 shall be levied.**

[ ] **Pursuant to A.R.S. § 12-116.08(A), a Victim Rights Assessment of $9 shall be assessed on every fine, penalty and forfeiture imposed.**

[ ] **Pursuant to A.R.S. § 12-116.10(A), a $4 Peace Officer Training Equipment Fund shall be assessed on every fine, penalty and forfeiture imposed for a violation of the motor vehicle statutes (Title 28).**

Financial Obligations in minimum monthly payments of $25 (exclusive of Probation Services Fee) beginning April 11, 2022.

Defendant shall comply with all other special conditions of probation set forth in the Conditions of Probation signed by the Court and provided to Defendant.

Defendant is provided written Notice of Rights of Post-Conviction Relief.

GRANTED: State's Motion to Dismiss the matters set forth in the Plea Agreement for dismissal.

[X] Any Bond not previously forfeited or pending forfeiture proceedings is exonerated. **[AE]**

[X] The Court has received and read the Motion to Withdraw from the Plea Agreement, the transcripts that were attached to the Motion, the Response to the Motion filed by the State, and the filing of a Judicial Complaint with the Judicial Commission. The Court also received and read the Motion to Strike filed by the State.

IT IS ORDERED *denying* the Motion to Strike and the Motion to Withdraw from the Plea Agreement.

[X] Defendant shall provide his fingerprint within 60 days of today's date. The Court advises the Defendant that should he fail to provide his fingerprint within 60 days, he will be in violation of his probation.

[X] Mental Health terms of probation apply.

V1300CR201980661
STATE V MICHAEL WILLIS CHASE
SENTENCING

[X] Any Bond not previously forfeited or pending forfeiture proceedings is exonerated. **[AE]**

Defendant's fingerprint is permanently affixed to this Sentencing Order in open Court.

JUDGE OF THE SUPERIOR COURT

[Right Index Finger]

[Fingerprint refused]

Revised 9-27-05

¶71. **Fact-20.** In most of the cases cited by the counsel for the **plaintiff in error** the suit has been brought by party to the original transaction or on a contract so connected with it as to be inseparable from it. It is when a vender in a foreign country packs up goods for the purpose of enabling the vendee to smuggle them or where a suit is brought on a policy of insurance on an illegal voyage or on a contract which amounts to maintenance or of one for the sale of the lottery tickets where such sale was prohibited or on a bill which is payable in notes issued contrary to law in these and all similar cases the consideration in the vary contract on which the suit is brought is vicious. And **the plaintiff** has contributed to the illegal transaction.

Note: Those are all void. There holding you liable on the notes and obligations. Corporations were created for their own profit and gain. Take their check to their bank and see if they have dollars in their account. Send back to them with notice of the deficiency in the matter. Issuing a check with insufficient funds is a crime.

Forming a state qualifications.
Enabling Acts after the Civil War.
Act of Congress.
Section four (4)
Section four constitutional convention requirements of constitution. The members of convention thus elected shall meet at the capital of the said territory on the day to be fixed by said governor, chief justice and United States attorney not more than sixty days subsequent from the day of election which time of meeting shall be contained in the aforesaid proclamation mentioned in the third section in this Act. After organization shall declare on behalf of said people of the said territory that they adopt a constitution of the United States whereupon said convention shall be and is hereby authorized to form a constitution for state government in said territory provided that the constitution shall be Republican in form and make no distinction in political and political rights on account of race or color except Indians not taxed and not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence.

Note: Many of the Enabling Acts were stricken down by Johnson right after Lincoln's death. It took a number of years to get a number of states admitted to the

union because he kept vetoing the Enabling Acts as being unconstitutional Constitutional. Those are the qualifications of forming a state. They violated the Constitution and the principles of the Declaration of Independence because they are not the state.

Federal Government Claims Control Over
The Several States.

¶72. **Fact-21.** New ruling on the 10th Amendment.

Gregory versus Ashcroft

¶73. **Fact-22.** There going back into history, reviewing the anti federalist papers etc., and rethinking the 10th Amendment. They were looking at subsidies. If they subsidized an office they were liable because they controlled the office. It was a contract matter. ***So if they subsidized any OPERATIONS in the state they claimed control over it.*** Bonding subsidizes tell the truth of who directs, controls, and finances or subsidizes their operation. Only then can we find the principal. ***But when the U.S. or the Secretary of Treasury or others were subsidizing their training programs, or their operations of their department or agency then the party making that subsidize claim the control.*** This case has to do with a judge and certain operations of the ADEA.

Atascadero State Hospital versus Scanland.
1985 Case.

¶74. **Fact-23.** A more in-depth look at 10th Amendment, anti federalist papers and the like. It's actually the most in-depth study I've seen out of them in a long time.

Social Security System.
Halvering versus Davis Case
81 Lawyers Edition 1312

¶75. **Fact-24.** The proceeds of both taxes are to paid into the Treasury like Internal Revenue Taxes generally and are not earmarked in any way. Social Security goes to the Secretary of the Treasury. And they aren't earmarked for anything. The proceeds are gone, there is no trust fund!

2 USC Section 4 60C3 [See Appendix]
Withholding and Remittance of State Income Tax by Secretary of Senate.

Note: They are going through state income tax.

5 USC 5517 [See Appendix]
Withholding State Income Taxes.

¶76. **Fact-25.** That's all under the Secretary of Treasury under A2.

5 USC 5520 [See Appendix]
Withholding of City and County Income or Employment Taxes.

¶77. **Fact-26.** That's under the Secretary of Treasury.

Atascadero State Hospital versus Scanland.
1985 Case. Page 171

¶78. **Fact-27. Summary.** Eleventh Amendment did not bar the action since a states consent to sue in federal court could be inferred by its participation and programs funded by the Rehabilitation Act. So if they participated in the program there was consent they had waived the Eleventh Amendment, they had taken the funds they were liable. Anytime there subsidized that wipes that out.

State Citizens
Privileges And Immunities of Citizens
Under Article IV Section 2 of the Constitution

1823
Corpeal versus Coreal
6 Federal Cases 550 or 650?
Case number 3230 page 551

¶79. **Fact-28.** The next question is whether this Act infringes that section of the constitution which declares it's citizens of each state shall be entitled to all privileges and immunities of citizens in the several states. ***The inquiry is what are the privileges and immunities of citizens in the several states?*** We feel no hesitation in finding these expressions to those privileges and immunities which are in their nature fundamental which belong of right to all citizens of all free governments and which have at all times been enjoyed by the citizens of the several states which compose this union from the time of becoming free, independent and sovereign. What these fundamental principals are it would perhaps be more tedious and difficult to enumerate. They may however be all comprehended under the following general heads: Protection by the government, the enjoyment of life and liberty with the right to acquire and possess property of every kind; and to pursue and obtain happiness and safety. subjected never the less to such restrictions to the government may justly prescribe for the good of the whole.

The right of a citizen of one state to pass through or to reside in any other state for the purpose of trade, agriculture, professional pursuits or otherwise. To claim the benefit of writ of habeas corpus. To institute and maintain actions of any kind in the courts of the state. To take hold and dispose of property either real or personal. And an exemption from higher taxes or impositions that are paid by the other citizens of the state, may be mentioned as some of the particular privileges and immunities of citizens which are clearly embraced by the general description of privileges deemed to be fundamental. To which may be added the elected franchise as regulated and established by the laws of the constitution of the state in which it is to be exercised. These and many others which might be mentioned are strictly speaking privileges and immunities and the enjoyment of them by the citizens of each state in every other state was manifestly calculated to use the expressions of the preamble with the corresponding provision in the old Articles of

Confederation. The better to secure and perpetuate mutual friendship and intercourse among the people of the different states of the Union.

¶80. Fact-29. This is commonly cited in Title 42 suits to describe the privileges and immunities of citizens under Article IV Section 2 of the Constitution. This is the primary case listing the privileges and immunities. ***We may need to use this clause. It only applies to state citizens!*** Does not apply to U.S. citizens. If someone went down and filed a voters registration statement under penalty of perjury they are U.S. citizens.

History of Banking

Encyclopedia Britannia
"Banking" page 37

¶81. Fact-30. Ancient Medieval and Continental European origins there are records of loans by the temples of Babylon as early as 2000 BC. Banking came out of the Temple of Babylon. Come out of her my people.

Federal Reserve Banks Are Private Corporations.

John L. Lewis versus U.S.
680 Fed. 2nd 1239, 1982

Headnote: United States

¶82. Fact-31. Federal Reserve banks are ***not*** federal instrumentality's for the purpose of the Federal Torts Claim Act they are independently privately owned and locally controlled corporations. **Note:** Banking is private. Computer World magazine ran an add for Federal Reserve bank of San Francisco for programmers as follows: "Some people still think were a branch of the government we're not, we're the banks bank".

May 27, 1933
House Resolution 5480
Chapter 338, 73 Congress, Session 1, Chapter 38

Mangen versus U.S.

¶83. Fact-32. Federal employees who are "citizens of the United States", who are also tax collectors, who are leased out to the several states by **Congress.** Who do they work for? All national officials receive checks, which are international obligations, national officials includes ALL county and state officials who are acting under [18] ***Pretense*** *and* [19] ***Color of office.*** *ALL these national officials receiving checks are acting* ***Under False and Fraudulent Pretenses according to United States Code Title 18 §912. Officer or employee of the United States.***

Title 18—Crimes and Criminal Procedure
United States Code Title 18 Crimes and Criminal Procedure, Section 912.
[as of 2006]

§912. Officer *OR* employee of the United States.
Whoever falsely assumes ***OR*** pretends to be an officer ***OR*** employee acting under the authority of the United States ***OR*** any department, agency ***OR*** officer thereof, and acts as such, ***OR*** in ***such pretended character demands OR obtains any money***, paper, document, ***OR*** thing of value, shall be fined under this title ***OR*** imprisoned ***NOT*** more than three years, ***OR*** both.

1979 - Foreign *Agents* Registration Acts Amendments
Legislative History

Page 2411. **Conflict of Interest.** "No ***agent*** of a foreign principal can act as officer or employee of the United States"

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18 ***Pretention,*** French law. The claim made to a thing which a party believes himself entitled to demand, but which is not admitted or adjudged to be his.

2. The words rights, actions and pretensions, are usually joined, not that they are synonymous, for right is something positive and certain, action is what is demanded, while pretention is sometimes not even accompanied by a demand. **Bourvier's Law Dictionary, 1856 edition.**

19 ***Color of Office***, criminal law. A wrong committed by an officer under the pretended authority of his office; in some cases the act amounts to a misdemeanor, and the party may then be indicted. In other cases, the remedy to redress the wrong is by an action. **Bourvier's Law Dictionary, 1856 edition.**

Page 2414. **Officers and Employees.** Purpose of the proposed new 18 USC 219 [See Appendix 18 USC 219] seems clear to prevent the person holding a federal office from using the influence of that office to gain favorable results for a foreign principal. The proposal would ***NOT*** prohibit a former officer employee from acting as an ***agent*** of a foreign principal provided the ***agent*** registered as such.

Soliciting Funds to China requires registration as *agent* of foreign principal. Page 2415.

Under existing law the government is required to submit proof of an agents relationship to it's foreign principal and to his activities. But it is not required to prove that such activities have been conducted at the order, request, or under the direction or control of the foreign principal. To require this as does Senate Bill 2126 weakens the Act by placing an unreasonable burden upon the government. The effect of the change is illustrated by the following hypothetical case. Under existing law if a person within the United States solicits funds for Communist China he is an agent of a foreign principal and will be required to register and to file.

[Note: President Clinton gives over 500,000,000 million to China.]

Commissioners Under Commissions
Are Agents Of A Foreign Principal!!!

¶84. Fact-33. ***Commissioners under commissions are [20] Agents of a Foreign Principal***

20 ***Principal***, *n.* The source of authority or right. ***Law of agency.*** The term "principal" describes one who has permitted or directed another *i.e.* ***agent or servant)*** to act for his benefit and subject to his direction and control. Principal includes in its meaning the term "master", a species of principal who, in addition to other control, has a right to control the physical conduct of the species of ***agents*** known as ***servants***, as to whom special rules are applicable with reference to harm caused by their physical acts.

If, at the time of a transaction conducted by an ***agent,*** the other party thereto has notice that the ***agent*** is acting for a principal and of the principal's identity, the principal is a ***disclosed*** principal. If the other party has ***NO*** notice of the principal's identity, the principal for whom the ***agent*** is acting is a ***partially disclosed*** principal. If the other party has ***NO*** notice that the ***agent*** is acting for

under United States Code Title 18 §219. Officers and employees acting as AGENTS of foreign principals, and Filing False and Fraudulent Statements under United States Code Title 18 §1001. Statements OR entries generally.

Title 18—Crimes and Criminal Procedure

United States Code Title 18 Crimes and Criminal Procedure, Section 219.

[as of 2006]

§219. Officers and employees acting as *AGENTS* of foreign principals.

(a) Whoever, being a public official, is ***OR*** acts as an agent of a foreign principal required to register under the ***Foreign Agents Registration Act of 1938 OR*** a lobbyist required to register under the ***Lobbying Disclosure Act of 1995*** in connection with the representation of a foreign entity, as defined in section 3(6) of that Act shall be fined under this title ***OR*** imprisoned for ***NOT*** more than two years, ***OR*** both.

(b) Nothing in this section shall apply to the employment of any ***AGENT*** of a foreign principal as a special Government employee in any case in which the head of the employing ***AGENCY*** certifies that such employment is required in the national interest. A copy of any certification under this paragraph shall be forwarded by the head of such ***AGENCY*** to the Attorney General who shall cause the same to be filed with the registration statement and other documents filed by such ***AGENT, and made available for public inspection*** in accordance with section 6 of the ***Foreign Agents Registration Act of 1938***, as amended.

(c) For the purpose of this section ''public official'' means Member of Congress, Delegate, ***OR Resident Commissioner***, either before ***OR*** after he has qualified, ***OR*** an officer ***OR*** employee or person acting for ***OR*** on behalf of the United States, ***OR*** any ***department, agency***, ***OR*** branch of Government thereof, including the District of Columbia, in any official function, under ***OR*** by authority of any such department, agency, ***OR*** branch of Government.

Title 18—Crimes and Criminal Procedure

United States Code Title 18 Crimes and Criminal Procedure, Section 1001.

[as of 2006]

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a principal, the one for whom he acts is an ***undisclosed*** principal. **Black's Law Dictionary, 6th edition page 1073.**

§1001. Statements or entries generally

(a) Except as otherwise provided in this section, whoever, in any matter within the ***jurisdiction*** of the executive, legislative, ***OR*** judicial branch of the Government of the United States, knowingly and willfully—

(1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

(2) makes any materially false, fictitious, ***OR*** fraudulent statement or representation; ***OR***

(3) makes ***OR*** uses any false writing ***OR*** document knowing the same to contain any materially false, fictitious, ***OR*** fraudulent statement ***OR*** entry; shall be fined under this title, imprisoned ***NOT*** more than 5 years ***OR***, if the offense involves international ***OR*** domestic terrorism (as defined in section 2331), imprisoned ***NOT*** more than 8 years, ***OR*** both.

(b) Subsection (a) ***DOES NOT*** apply to a party to a judicial proceeding, ***OR*** that party's counsel, for statements, representations, writings ***OR*** documents submitted by such party ***OR*** counsel to a judge ***OR*** magistrate in that proceeding.

(c) With respect to any matter within the ***jurisdiction*** of the legislative branch, subsection

(a) shall apply only to—

(1) ***administrative matters, including a claim for PAYMENT***, a matter related to the procurement of property ***OR*** services, personnel ***OR*** employment practices, ***OR*** support services, ***OR*** a document required by law, rule, ***OR*** regulation to be submitted to the Congress ***OR*** any office ***OR*** officer within the legislative branch; ***OR***

(2) any investigation ***OR*** review, conducted pursuant to the authority of any committee, subcommittee, ***commission*** ***OR*** office of the Congress, consistent with applicable rules of the House or Senate.

¶85. Fact-34. By issuing checks or warrants indicates who the de facto "STATE OF ARIZONA" actually are and who is committing high crimes, which ***MUST*** be tried by the federal grand jury ***[see Exhibit "Grand Jury"]*** according to ***Amendment IV, according to the United State Constitution for presentments***. This will be done by making a ***Presentment*** *[see* ***Exhibit "Presentment, Criminal Law & Presentment, Contracts"]*** to the Federal Grand Jury, which will be mailed to the Federal Grand Jury Forman, Certified Mail Return Receipt Requested Restricted Deliver to where the

Federal Grand Jury is sitting. Declarant intends to call the Postal Inspector to forewarn him/her there may be an interception of the U.S. Mail to the Federal Grand Jury Forman. This Declarant is being "***compelled*** *to be a witness against himself, is being deprived of life, liberty and property, without due process of law. Declarant's property is being taken for supposed public use. Declarant* ***MUST*** *have a remedy. Declarant feels there is "Probable Cause" that there was a detriment and risk of my life, liberty and property by the bar, the attorney's guild, which is a closed union shop, which is directly linked to the English Bar. The American Bar Association was very much affected and established under OWENS. Owens was a known and recognized communists. In fact, the Owens Community Harmony System in Rapp, Indiana, which is still operating and being used for* [21] ***corruption****, despotic purposes, and usurpation of power and authority.*

The Constitution
of The United States of America

Amendment V
(1791)

> ***NO*** person shall be held to answer for a capital, ***OR*** otherwise infamous crime, unless on a presentment ***OR*** indictment of a Grand Jury, except in cases arising in the land ***OR*** naval forces, ***OR*** in the Militia, when in actual service in time of War ***OR*** public danger; ***NOR*** shall any person be subject for the same offence to be twice put in jeopardy of life ***OR*** limb; ***NOR*** shall be compelled in any criminal case to be a witness against himself, ***NOR*** be deprived of life, liberty, ***OR*** property, without ***due process of law***; ***NOR*** shall private property be taken for public use, without just compensation.

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21 **Corruption.** An act done with an intent to give some advantage inconsistent with official duty and the rights of others. It includes bribery, but is more comprehensive; because an act may be corruptly done, though the advantage to be derived from it be not offered by another. Merl. Rep. h. t.

2. By corruption, sometimes, is understood something against law; as, a contract by which the borrower agreed to pay the lender usurious interest. It is said, in such case, that it was corruptly agreed, &c. **Bouvier's Law Dictionary, 1856 Edition.**

¶86. Fact-35. The Court Clerk **Donna McQuality** has hindered, delayed, obstructed the apprehension of those who committed the act of NOT accepting payment in silver coinage tendered. She is an accessory after the fact according to **United States Code Title 18 Crimes and Criminal Procedure, Section 3. Accessary after the fact.** The Court Clerk, **Donna McQuality**, has committed a gross violation and usurpation of law, detriment to Declarant's live, relinquished the sovereignty, to some foreign character ***OR*** powers.

Title 18—Crimes and Criminal Procedure
United States Code Title 18. Crimes and Criminal Procedure, Section 3.

18 USC §3. Accessory after the fact.
Whoever, knowing that an offense against the United States has been committed, receives, relieves, comforts ***OR*** assists the offender in order to hinder ***OR*** prevent his apprehension, trial ***OR*** punishment, is ***an accessory after the fact***. Except as otherwise expressly provided by any Act of Congress, ***an accessory after the fact*** shall be imprisoned ***NOT*** more than one-half the maximum term of imprisonment ***OR*** (not withstanding section 3571) fined ***NOT*** more than one half the maximum fine prescribed for the punishment of the principal, ***OR*** both; ***OR*** if the principal is punishable by life imprisonment ***OR*** death, the accessory shall be imprisoned ***NOT*** more than 15 years.

¶87. Fact-36. The Court Clerk, **Donna McQuality**, and her Chief Deputy Clerk, **Kelly Gregorio**, have committed a gross violation and usurpation of law, detriment to Declarant's live, liberty and property, relinquished the sovereignty, to some foreign character ***OR*** powers by converting the Declarant's property in violation of ***United States Code Title 18. Crimes and Criminal Procedure, §654. Officer or employee of United States converting property of another.***

Title 18—Crimes and Criminal Procedure
United States Code Title 18. Crimes and Criminal Procedure, Section 654.

§654. Officer or employee of United States converting property of another.

Whoever, being an officer or employee of the United States ***OR*** of any department ***OR*** agency thereof, embezzles ***OR*** wrongfully converts to his own use the money ***OR*** property of another which comes into his possession ***OR*** under his control in **§655** See References in Text note below, the execution of such office ***OR*** employment, ***OR*** under color ***OR*** claim of authority as such officer ***OR*** employee, shall be fined under this title ***OR NOT*** more than the value of the money and property thus embezzled ***OR*** converted, whichever is greater, ***OR*** imprisoned ***NOT*** more than ten years, ***OR*** both; but if the sum embezzled is $1,000 ***OR*** less, he shall be fined under this title ***OR*** imprisoned ***NOT*** more than one year, ***OR*** both.

(June 25, 1948, ch. 645, 62 Stat. 728; Pub. L. 103–322, title XXXIII, §330016(1)(H), (2)(H), Sept. 13, 1994, 108 Stat. 2147, 2148; Pub. L. 104–294, title VI, § 606(a), Oct. 11, 1996, 110 Stat. 3511.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §183 (Mar. 4, 1909, ch. 321, §97, 35 Stat. 1106). The phrase ''Whoever being an officer ***OR*** agent of the United States ***OR*** of any department ***OR*** agency thereof,'' was substituted for the words ''***Any officer connected with, OR employed in the Internal Revenue Service of the United States * * * And any officer of the United States, OR any assistant of such officer,***'' in order to clarify scope of section. (*See* definitive section 6 and reviser's note thereunder.) The embezzlement of Government money ***OR*** property is adequately covered by section 641 of this title. The smaller punishment for an offense involving $100 ***OR*** less was added. (*See* reviser's notes under sections 641 and 645 of this title.) Minor changes were made in phraseology.

¶88. Fact-37. The Court Clerk, **Donna McQuality**, and her Chief Deputy Clerk, **Kelly Gregorio**, have wrongfully used government seals on Federal Reserve notes in violation of ***United States Code Title 18. Crimes and Criminal Procedure, §1017. Government seals wrongfully used and instruments wrongfully sealed.***

Title 18—Crimes and Criminal Procedure
United States Code Title 18. Crimes and Criminal Procedure, Section 1017.

§1017. Government seals wrongfully used and instruments wrongfully sealed

Whoever fraudulently ***OR*** wrongfully affixes ***OR*** impresses the seal of any ***department*** or ***agency*** of the United States, to ***OR*** upon any certificate, instrument, ***commission***, document, ***OR*** paper ***OR*** with knowledge of its fraudulent character, with wrongful ***OR*** fraudulent intent, uses, buys, procures, sells, ***OR*** transfers to another any such certificate, instrument, ***commission***, document, ***OR*** paper, to which ***OR*** upon which said seal has been so fraudulently affixed ***OR*** impressed, shall be fined not more that $5,000 or imprisoned not more than five years, ***OR*** both.

(June 25, 1948, ch. 645, 62 Stat. 753.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §130 (June 15, 1917, ch. 30, title X, §1, 40 Stat. 227).

To clarify scope of section and in view of definition of ***department or agency*** in section 6 of this title, words ''***department or agency***'' were substituted for ''***executive department***, ***OR of any bureau***, ***commission***, ***OR*** office''. Slight verbal changes were also made.

CANAL ZONE

Applicability of section to Canal Zone, *see* section 14 of this title.

CROSS REFERENCES

Jurisdiction of offenses under this section, *see* section 3241 of this title.

Letters, writings, etc., in violation of this section as non-mailable, *see* section 1717 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 14, 1717 of this title: **Title 12 – Banks and Banking,** section 1457.

Federal Reserve notes –
Are NOT "*Dollars*" They Are *Obligations*!!!

¶89. Fact-38. The Federal Reserve note has a supposedly U.S. Government Seal, which is wrongfully affixed, which is ***NOT*** considered a Seal anymore. ***Federal reserve agents*** are overturning the de jure economic system, overturning and overthrowing the de jure form of government, which was republican into a socialist democracy. This Declarant ***CANNOT*** and will ***NOT*** assist anyone overthrowing the de jure form of government by discharging debts with worthless securities as an ***agent*** of the Federal Reserve System. This Declarant ***MUST*** pay my debts with silver and gold dollars, which are the only

dollars known in law. Declarant ***MUST*** obey the de jure law, discharging debts with worthless securities is about 20 years in prison, Declarant ***MUST*** be careful about who I associate with. Declarant is ***NOT*** a "***Federal reserve AGENT***"!!! Who the Federal System is making advances to through their Federal reserve **AGENTS** The Court Clerk, **Donna McQuality**, and her Chief Deputy Clerk, **Kelly Gregorio**, who have committed a gross violation and usurpation of law, detrimental to Declarant's life, liberty and property.

The Court Clerk, Donna McQuality,
And Her Chief Deputy Clerk, Kelly Gregorio,
Are Overthrowing The De Jure Government!!!

¶90. Fact-39. Federal reserve **AGENTS** The Court Clerk, **Donna McQuality**, and her Chief Deputy Clerk, **Kelly Gregorio**, demand receiving [22] ***advances*** in Federal Reserve notes as ***payment for supposed debts***, which relinquishes the sovereignty, to some foreign character **OR** powers by converting the Declarant's property, silver dollar coins,

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22 **Advances**, contracts. Said to take place when, a factor or agent pays to his principal, a sum of, money on the credit of goods belonging to the principal, which are placed, or are to be placed, in the possession of the factor or agent, in order to reimburse himself out of the proceeds of the sale. In such case the factor or agent has a lien to the amount of his claim. Cowp. R. 251; 2 Burr. R. 931; Liverm. on Ag. 38; Journ. of Law, 146.

2. The agent or factor has a right not only to advances made to the owner – of goods, but also for expenses and disbursements made in the course of his agency, out of his own moneys, on account of, or for the benefit of his principal; such as incidental charges for warehouse – room, duties, freight, general average, salvage, repairs, journeys, and all other acts done to preserve the property of the principal, and to enable the agent to accomplish the objects of the principal, are to be paid fully by the latter. Story on Bailm. 197; Story on Ag. _335.

3. The advances, expenses and disbursements of the agent must, however, have been made in good faith, without any default on his part. Liv. on Ag. 14–16; Smith on Merc. 56 Paley on Ag. by Lloyd, 109; 6 East, R. 392; 2 Bouv. list. n. 1340.

4. When the advances and disbursements have been properly made, the agent is entitled not only to the return of the money so advanced, but to interest upon such advances and disbursements, whenever from the nature of the business, or the usage of trade, or the particular agreement of the parties, it may be fairly presumed to be stipulated for, or due to the agent. 7 Wend. R. 315; 3 Binn. R. 295; 3 Caines' R. 226; 1 H. Bl. 303; 3 Camp. R. 467 15 East, R. 223; 2 Bouv. Inst. n. 1341. This just rule coincides with the civil law on this subject. Dig. 17, 1, 12, 9; Poth. Pand. lib. 17, t. 1, n. 74. **Bouvier's Law Dictionary 1856 edition.**

into worthless securities, which are obligations, which is how much one owes ***NOT*** how much one own es, which can only discharge a debt, which bill of credit can never pay a debt!!! Declarant ***MUST*** "Pay" according to John D. Napper's Court Order. Discharging Declarant's supposed debts would be a violation of the Court Order demanding payment!!! This Declarant is NOT going to be "***cunningly coerced***" into disobeying John D. Napper's Court Order by Federal reserve **AGENTS** The Court Clerk, **Donna McQuality**, and her Chief Deputy Clerk, **Kelly Gregorio**.

Title 12—Banks and Banking – Federal Reserve Notes
Section 411. Issuance to reserve banks; nature of obligation; redemption.

[as of 2006]

TITLE 12 USC—BANKS AND BANKING
FEDERAL RESERVE NOTES

§411. Issuance to reserve banks; nature of obligation; redemption

Federal reserve notes, to be ***issued*** at the discretion of the Board of Governors of the Federal Reserve System for the purpose of ***making advances*** to Federal reserve banks **through the Federal reserve agents** as hereinafter set forth and for ***NO*** other purpose, are authorized. ***The said notes shall be obligations of the United States*** and shall be receivable by all national and member banks and Federal reserve banks and for all taxes, customs, and other public dues. They shall be ***redeemed*** in ***lawful money*** on demand at the Treasury Department of the United States, in the city of Washington, District of Columbia, ***OR*** at any Federal Reserve bank.

(Dec. 23, 1913, ch. 6, §16 (par.), 38 Stat. 265; Jan. 30, 1934, ch. 6, §2(b)(1), 48 Stat. 337; Aug. 23, 1935, ch. 614, title II, § 203(a), 49 Stat. 704.)

REFERENCES IN TEXT

Phrase ''hereinafter set forth'' is from section 16 of the Federal Reserve Act, act Dec. 23, 1913. Reference probably means as set forth in sections 17 et se Audience: of the Federal Reserve Act. For classification of these sections to the Code, see Tables.

CODIFICATION

Section is comprised of first par. of section 16 of act Dec. 23, 1913. Pars. 2 to 4, 5, and 6, 7, 8 to 11, 13 and 14 of section 16, and pars. 15 to 18 of

section 16 as added June 21, 1917, ch. 32, §8, 40 Stat. 238, are classified to sections 412 to 414, 415, 416, 418 to 421, 360, 248–1, and 467, respectively, of this title. Par. 12 of section 16, formerly classified to section 422 of this title, was repealed by act June 26, 1934, ch. 756, §1, 48 Stat. 1225.

AMENDMENTS

1934—Act Jan. 30, 1934, struck out from last sentence provision permitting redemption in gold.

CHANGE OF NAME

Section 203(a) of act Aug. 23, 1935, changed name of Federal Reserve Board to Board of Governors of the Federal Reserve System.

DEPARTMENT OF THE TREASURY
WASHINGTON
February 18, 1977

Dear Mr.:

This is in response to you letter of November 23, 1976 in which you request a definition for the *dollar* as distinguished from a Federal Reserve note.

Federal Reserve notes are not *dollars*. Those notes are denominated in *dollars*, which are the unit of account of United Stats money. The Coinage Act of 1792 established the *dollars* as the basic unit of United States currency, by providing that "The money of account of the United States shall be expressed in dollars or units, dimes or tenths, cents, or hundredth ... U.S.C. §371.

The fact that Federal Reserve notes may not be converted into gold or silver does not render them worthless. Mr. Bernard of the Federal Reserve Board is quite correct in stating that the value of the *dollar* is its purchasing power. Professor

Samuelson, in his Economics, notes that the *dollar*, as our medium of exchange, is wanted not for its own sake, but for the things it will buy.

I trust this information responds to your inquiry.

Sincerely,

Russell L. Munk
Assistant General Council

There Is a Misconception RE:
Who "The Treasury Department" Is! It's International!!!

¶91. Fact-40. The Secretary of the Treasury actually works for the United Nations Organization INTERPOL. A lot of times they work under the Omnibus Crime Control Act which are treaty operations. Drug prosecution is under the extradition clauses of the Development Bank Acts.

¶92. Fact-41. Declarant can ***NOT*** contract with a belligerent. Belligerents issue licenses allowing certain transactions to control international commerce. Enemy belligerent party #1 issues a license to his fellow belligerent's on party #1's side, such as the Federal Reserve, to contract with the enemy belligerent party #2 ***to destroy enemy party #2***.

¶93. Fact-42. Is it Possible For Declarant to be Neutral? Under the circumstances Declarant has to declare an ***independent status*** to be neutral. America is still at civil war. Declarant's position is that belligerent party #1 is a foreign power [***NOT*** the government] who declared war on themselves, their people, making their people belligerent party #2 of the declared war. ***Declarant CANNOT contract with either belligerent and MUST have a viable civilized society to live in and maintain the sovereignty***. The belligerents are ***NOT*** the sovereignty they are at civil war with each other for over a hundred and fifty years in this country (since 1994). Belligerent party #1 is ***NOT*** the government they are the enemy. They have ***NO*** intelligence, ***NO*** honor, ***NO*** integrity, ***NO*** virtue, the enemy foreign power can ***NOT*** meet its obligations either

subjectively or objectively it is simply a rogue organization of liars, cheats, thieves, frauds and barbarics. It is a ***piratical organization*** that has never declared, in history of the human race, to be a civilized governmental structure.

How Belligerents Conduct Commerce.

¶94. Fact-43. The U.S. party #1 belligerent declares U.S. citizens to be workers and employees of the U.S. that ***MUST*** obtain social security numbers according to the ***1939 Social Security Act***. The states are in, a ***state of incorporation***, as ***instrumentality's*** of the U.S. The U.S. instrumentality, the state's [as corporations, and fellow belligerents] contract for hire U.S. workers to conduct commerce. ***The U.S. workers for the states [the licensed corporate instrumentality's of the belligerent U.S.] are employees of the U.S.*** The ***1935 Emergency Relief Act*** declares workers to be employees of the U.S. that ***MUST*** obtain social security numbers according to the ***1939 Social Security Act, amending the 1935 Act. The states are NOT allowed to hire workers who are NOT employees of the U.S. Therefore all workers for the state MUST obtain social security numbers to work for the state instrumentality's of the U. S. The U.S. would NOT give the states instrumentality's gifts, grants, loans, or subsidies unless the people working on those projects have social security number proving they are in fact employees of the United States.***

Jury.

¶95. Fact-44. An employee of the United States can ***NOT*** sit on a jury. Declarant always ask when **I voir dire** [23] a jury do they have a social security number if so I dismiss for cause because employees of the United States can ***NOT*** sit on a jury.

23 **Voir dire.** To speak the truth. This phrase denotes the preliminary examination which the court and attorneys make of prospective jurors to determine their qualification and suitability to serve as jurors. Peremptory challenges or challenges for cause may result from such examination. See Challenge. **Blacks Law Dictionary 6th edition.**

Supreme Court case [U.S versus Griffith, 2 Fed 2nd 95 1924, Employee of U.S. can not sit on a grand or petit jury] supports this fact. ***NO*** they have a problem they can either grant a **petit** [24] ***and how is he going to be trier of the facts without being bias and prejudice? He also is an employee of the U.S. creating a substantial problem. The plaintiff may be accepting bribes from the plaintiff's principal the International Monetary Fund. Under Public Law 95-147 Federal Employees are paid out of this Act it is in the legislative history. Treasury Tax and Loan Accounts. Federal Employees has to have social security numbers.***

The Belligerents Through Their Banks.

¶96. Fact-45. The banks and the United States told individual who was dealing with the banks to return the gold to the bank or under criminal pains and penalties under International Commercial Law with the Banks they would go to the penitentiary. ***Taking the gold out of the banks in mass was considered a belligerent act by belligerents***. An act of economic warfare even though the banks committed economical warfare against the people by failing to keep their obligation to maintain the integrity of the notes and securities. ***In 1933 the Securities Act*** exempted the banks from the operation of securities fraud laws because they had perpetrated a fraud on the public. So the U.S., the banks and the states excluded themselves from the operations of securities fraud. ***War was declared on people who banked and could be tracked through banking***. The banks demanded the return of the people's gold under the treat of prosecution and penitentiary time. The banks declared war on their own people [customers]. ***Dealing with the banks is a belligerent status.*** I deal in gold contracts and

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24 **Petit,** sometimes ***corrupted*** into petty. A French word signifying little, small. It is frequently used, as petit larceny, petit jury, petit treason. **Bouviers Law Dictionary 1856 edition.**
Pettit, TREASON, English law. The killing of a master by his servant; a husband by his wife; a superior by a secular or religious man. In the United States this is like any other murder. See High, Treason; Treason. **Bouviers Law Dictionary 1856 edition.**

not subject to 12 USC 89 [See Appendix 12 USC 89]. They do ***NOT*** want to talk to me they have ***NO*** reason to talk to me I have ***NO*** thing to do with them.

U.S. is *NOT* a GOVERNMENT.

¶97. Fact-46. If they declared war on the people who are the sovereignty there is ***NO*** more obligation to you. ***They can't meet there obligations why do we keep calling them a government?*** We can ***NOT*** be so loose with language and concepts.

Treasury Accounts and Loan Accounts

¶98. Fact-47. Under **Public Law 95-147** Federal Employees are paid out of this Act according to the legislative history. ***Treasury Tax and Loan Accounts.*** All Federal Employees ***MUST*** have social security numbers.

This Is How Treasury Department Pays Their Employees.

¶99. Fact-48. As the tax and other payments were made on individual accounts to the banks and then withdrawn from the banking system for deposit in the Federal Reserve the money supply was reduced the Federal Reserve then had to buy securities from the banks in order to offset the loss of money. Subsequently as the Treasury Department sent out checks in payments of it's obligations salaries of Federal Employees and benefits payments under various programs. **That's the history of *Public Law 95-147.* The Treasury Department was withdrawing from the state banks and paying the Federal Employees. *Does a Federal Employee have a bias or prejudice or direct pecuniary interest when we have an issue with their employer.* They are talking about Treasury Tax and Loan Accounts which have a direct pecuniary interest as stated in the Legislative History. *A Federal Employee can NOT sit on a jury all those with social security numbers are Federal Employees.* The definition of employee is in the Public Law, follow the Public Law from 1935. It does *NOT* matter what one say's it matters what the Public Law states! Federal employees receive benefit's and can *NOT* sit on a jury.**

¶100. Fact-49. Federal Reserve notes are **NOT** a **dollar** they are an **OBLIGATION.** And that's a **debt**. Save a million of them THAT ISN'T WHAT YOU OWN THAT'S WHAT YOU OWE. Federal Reserve note is **NOT** money it's **NOT** currency it's **NOT** a note. It is an **EMERGENCY DEBT OBLIGATION TO A PARTICULAR CORPORATION, WHICH IS AN ALIEN CORPORATION, OF WHICH THE UNITED STATES IS A VOTING SHARE STOCKHOLDER.** ***They operating on OVER INFLATED VALUE AND CREDIT,***

Their paper is used to "destroy"!!!

The ONLY "*Dollars*"
Known in Law

¶101. Fact-50. *A silver dollar coin is the only* ***dollar*** *known in law. Do we see any other statute other that* ***31 USC §5112 [see Exhibit 31 USC §5112 at the end of this section]? Was the Federal Reserve note in the statute [31 USC §5112]? Did they say it was a dollar? NO THEY SAID IT [A FEDERAL RESERVE NOTE] was an OBLIGATION.*** *That's all it is. What they are evaluating it in is* ***this*** [25] ***RE–HYPOTHICATED DEBT CREDIT OBLIGATION, which is*** [26] ***CHEATING*** *each*

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25 **Hypothecation,** civil law. This term is used principally in the civil law; **it is defined to be a right which a *creditor* has over a thing belonging to another, and which consists in the power to cause it to be sold, in order to be paid his claim out of the proceeds...Bouvier's Law Dictionary, 1856 edition.**

Obligation of Contracts. By this expression, which is used in the constitution of the United States, is meant a legal and not merely a moral duty. 4 Wheat. 107. ***The obligation of contracts consists in*** the necessity under which a man finds himself to, do, or to refrain from doing something. This obligation consists generally both in foro legis and in foro conscientice, though it does at times exist in one of these only. It is certainly of the first, that in foro legis, which the framers of the constitution spoke, when they prohibited the passage of any law impairing the obligation of contract. See Impairing the obligation of contracts. **Bouviers Law Dictionary 1856 edition.**

26 **CHEAT,** criminal law, torts. A cheat is a deceitful practice, of a public nature, in defrauding another of a known right, by some artful device, contrary to the plain rules of common honesty. 1 Hawk. 343.

2. To constitute a cheat, the offence must be, lst. of a public nature for every species of fraud and dishonesty in transactions between individuals is not the subject–matter of a criminal charge at common law; it must be such as is calculated to defraud numbers, and to deceive the people in general. 2 East, P. C. 816; 7 John. R. 201; 14 John. R. 371; 1 Greenl. R. 387; 6 .Mass. R. 72; 9 Cowen, R. 588;

other. If they do that that's their mentality. And they are ***SPECULATORS*** *and they've never worked in their life for a living. They are completely non productive and the only thing they could do was* ***DEFRAUD*** *THE CHILDREN OF THEIR INHERITANCE. BECAUSE THE* [27] ***DOMINION*** *WAS NOT GIVEN TO THEM FROM THE BEGINNING.*

Who Is The "Collateral?" On The Obligations?

¶102. Fact-51. *Who's the* [28] ***COLLATERAL****?* ***Which is a separate obligation attached to another contract, to guaranty its performance.*** *The people become the* ***COLLATERAL [the separate obligation attached to another contract, to guaranty its performance]*** *FOR THAT* ***OBLIGATION****.*

¶103. Fact-52. The "STATE OF ARIZONA" has a "Tax Lien Act", which is the accounting clause in Arizona Statute. The "STATE OF ARIZONA" ***MUST*** record any matters ***OR*** collections which affect that lien. Declarant ***DEMANDS*** an accounting ***OR*** the "STATE OF ARIZONA" statute has been violated according to **Title 18—Crimes and Criminal Procedure. Section 643.**

Title 18—Crimes and Criminal Procedure
United States Code Title 18 Crimes and Criminal Procedure, Section 643.

[as of 2005 with amendments]

§643. Accounting generally for public money.

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9 Wend. R. 187; 1 Yerg. R. 76; 1 Mass. 137. 2. The cheating must be done by false weights, false measures, false tokens, or the like, calculated to deceive numbers. 2 Burr, 1125; 1 W. Bl. R. 273; Holt, R. 354.

3. That the object of the defendant in defrauding the prosecutor was successful. If unsuccessful, it is a mere attempt. (Audience: versus) 2 Mass. 139. When two or more enter into an agreement to cheat, the offence is a conspiracy. (Audience: versus) To call a man a cheat is slanderous. Hetl. 167; 1 Roll's Ab. 53; 2 Leversus 62. Vide Illiterate; Token. **Bouvier's Law Dictionary, 1856 edition.**

27 **DOMINION.** The right of the owner of a thing to use it or dispose of it at his pleasure. See Domain; 1 White's New Coll. 85; Jacob's Intr. 39. **Bouvier's Law Dictionary, 1856 edition.**

28 **Collateral Security,** contracts. ***A separate obligation attached to another contract, to guaranty its performance. By this term is also meant the transfer of property or of other contracts to insure the performance of a principal engagement.*** The property or securities thus conveyed are also called collateral securities. **Bouviers Law Dictionary, 1856 edition.**

Whoever, being an ***officer***, ***employee*** or ***agent*** of the United States ***OR*** of any department ***OR*** agency thereof, having received public money which he is ***NOT*** authorized to retain as salary, pay, ***OR*** emolument, **fails to render his accounts for the same** as provided by law is ***guilty of embezzlement***, and shall be fined under this title ***OR*** in a sum equal to the amount of the ***money embezzled***, whichever is greater, ***OR*** imprisoned ***NOT*** more than ten years, ***OR*** both; but if the amount embezzled does ***NOT*** exceed $1,000, he shall be fined under this title ***OR*** imprisoned ***NOT*** more than one year, ***OR*** both.

(June 25, 1948, ch. 645, 62 Stat. 726; Pub. L. 103–322, title XXXIII, §330016(1)(H), (2)(G), Sept. 13, 1994, 108 Stat. 2147, 2148; Pub. L. 104–294, title VI, §606(a), Oct. 11, 1996, 110 Stat. 3511.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §176 (Mar. 4, 1909, ch. 321, §90, 35 Stat. 1105). Word ''employee'' was inserted to avoid ambiguity as to scope of section.

Words '' ***OR*** of ***any department OR agency*** thereof'' were added after the words ''United States''. (See definitions of the terms ''***department***'' and ''***agency***'' in section 6 of this title.) Mandatory punishment provisions phrased in alternative.

The smaller punishment for an offense involving $100 ***OR*** less was added. (See reviser's notes under sections 641 and 645 of this title.)

AMENDMENTS

1996—Pub. L. 104–294 substituted ''$1,000'' for ''$100''.

1994—Pub. L. 103–322, §330016(2)(G), substituted ''and shall be fined under this title ***OR*** in a sum equal to the ***amount of the money embezzled***, whichever is greater, ***OR*** imprisoned'' for ''and shall be fined in a sum equal to the ***amount of the money embezzled OR imprisoned***''. Pub. L. 103–322, §330016(1)(H), substituted ''fined under this title'' for ''fined ***NOT*** more than $1,000'' after ''he shall be''.

Title 18—Crimes and Criminal Procedure
United States Code Title 18 Crimes and Criminal Procedure, Section 644.

[Current as of January 1, 2018]

§644. Banker receiving unauthorized deposit of public money.

Whoever, ***NOT*** being an authorized depositary of public moneys, knowingly

receives from any disbursing officer, ***OR*** collector of internal revenue, ***OR*** other ***agent*** of the United States, any public money on deposit, ***OR*** by way of loan ***OR*** accommodation, with ***OR*** without interest, ***OR*** otherwise than in ***payment*** of a debt against the United States, ***OR*** uses, transfers, converts, appropriates, ***OR*** applies any portion of the public money for any purpose ***NOT*** prescribed by law is ***guilty of embezzlement*** and shall be fined under this title ***OR NOT*** more than the amount so embezzled, whichever is greater, ***OR*** imprisoned ***NOT*** more than ten years, ***OR*** both; but if the amount embezzled does ***NOT*** exceed $1,000, he shall be fined ***NOT*** more than $1,000 ***OR*** imprisoned ***NOT*** more than one year, ***OR*** both.

Title 18—Crimes and Criminal Procedure

United States Code Title 18 Crimes and Criminal Procedure, Section 645.

[statute as of 2005 with amendments]

§645. Court officers generally

Whoever, being a United States marshal, clerk, receiver, referee, trustee, ***OR*** other officer of a United States court, ***OR*** any deputy, assistant, ***OR*** employee of any such officer, retains ***OR*** converts to his own use ***OR*** to the use of another ***OR*** after demand by the party entitled thereto, unlawfully retains any money coming into his hands by virtue of his official relation, position ***OR*** employment, is ***guilty of embezzlement*** and shall, where the offense is ***NOT*** otherwise punishable by enactment of Congress, be fined under this title ***OR NOT*** more than double the value of the money so ***embezzled***, whichever is greater, ***OR*** imprisoned ***NOT*** more than ten years, ***OR*** both; but if the amount embezzled does ***NOT*** exceed $1,000, he shall be fined under this title ***OR*** imprisoned ***NOT*** more than one year, ***OR*** both. It shall ***NOT*** be a defense that the Declarants person had any interest in such moneys ***OR*** fund.

(June 25, 1948, ch. 645, 62 Stat. 726; Pub. L. 103–322, title XXXIII, §330016(1)(H), (2)(G), Sept. 13, 1994, 108 Stat. 2147, 2148; Pub. L. 104–294, title VI, § 606(a), Oct. 11, 1996, 110 Stat. 3511.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §186 (May 29, 1920, ch. 212, 41 Stat. 630). The smaller punishment for an offense involving $100 ***OR*** less was inserted to conform to section 641 of this title which represents a later expression of congressional intent. Minor changes were made in phraseology.

AMENDMENTS

1996—Pub. L. 104–294 substituted ''$1,000'' for ''$100''. 1994—Pub. L. 103–322, §330016(2)(G), substituted ''be fined under this title ***OR NOT*** more than double the value of the money so ***embezzled***, whichever is greater, ***OR*** imprisoned'' for ''be fined ***NOT*** more than double the value of the money so embezzled ***OR*** imprisoned''. Pub. L. 103–322, §330016(1)(H), substituted ''fined under this title'' for ''fined ***NOT*** more than $1,000'' after ''he shall be'' ...

Exhibit "Grand Jury"

GRAND JURY, practice. A body of men, consisting of not less than twelve nor more than twenty−four, respectively returned by the sheriff of every county to every session of the peace, over and terminer and general gaol delivery, to whom indictments are preferred. 4 Bl. Com. 302; 1 Chit. C. L. 310, 1.

2. There is just reason to believe that this institution existed among the Saxons, Crabb's C. L. 35. By the constitutions of Clarendon, enacted 10 H. II. A. D. 1164, it is provided, that "if such men were suspected, whom none wished or dared to accuse, the sheriff, being thereto required by the bishop, should swear twelve men of the neighborhood, or village, to declare the truth" respecting such supposed crime; the jurors being summoned as witnesses or accusers, rather than judges. If this institution did not exist before, it seems to be pretty certain that this statute established grand juries, or recognized them, if they existed before. 3. A view of the important duties of grand juries will be taken, by considering, 1. The organization of the grand jury. 2. The extent of its ***jurisdiction***. 3. The mode of doing business. 4. The evidence to be received. 5. Their duty to make presentments. 6. The secrecy to be observed by the grand jury.

4. − 1. Of the organization of the grand jury. The law requires that twenty−four citizens shall be summoned to attend on the grand jury; but in practice, not more than twenty−three are sworn, because of the inconvenience which else might arise, of having twelve, who are sufficient to find a true bill, opposed to twelve others who might be against it. 6 Adolph. & Ell. 236; S. C. 33 e. C. L. R. 66; 2 Caines, R. 98. Upon being called, all who present themselves are sworn, as it scarcely ever happens that all who are summoned are in attendance. The grand jury cannot consist of less than twelve, and from fifteen to twenty are usually sworn. 2 Hale, P. C. 161; 7 Sm. & Marsh. 58. Being called into the jurybox, they are usually permitted to select a foreman whom the court appoints, but the court may exercise the right to nominate one for them. The foreman then takes the following oath or affirmation, namely: *"You A B, as foreman of this inquest for the body of the _____ of _____, do swear, (or affirm) that you will diligently inquire, and true presentments make, of all such articles, matters and things as shall be given you in charge, or otherwise come to your knowledge touching the present service; the commonwealth's counsel, your fellows and your own, you shall keep secret; you shall present no one for envy, hatred or malice; nor shall you leave any one unpresented for fear, favor, affection, hope of reward or gain; but shall present all things truly, as they come to your knowledge, according to the best of your understanding, (so help you God.")* It will be perceived that this oath contains the substance of the duties of the grand jury. The

foreman having been sworn or affirmed, the other grand jurors are sworn or affirmed according to this formula: *"You 'and each of you do swear (or affirm) that the same oath (or affirmation) which your foreman has taken on his part, you and every one of you shall well and truly observe on your part."* Being so sworn or affirmed, and having received the charge of the court, the grand jury are organized, and may proceed to the room provided for them to transact the business which may be laid before them. 2 Burr. 1088; Bac. Ab. Juries, A. The grand jury constitute a regular body until discharged by the court, or by operation of law, as where they cannot continue by virtue of an act of assembly beyond a certain day. But although they have been formally discharged by the court, if they have not separated, they may be called back, and fresh bills submitted to them; 9 C. & P. 43; S. C. 38 E. C. L. R. 2 8.

5. – 2. **The extent of the grand jury's *jurisdiction*.** Their ***jurisdiction*** is coextensive with that of the court for which they inquire; both as to the offences triable there, and the territory over which such court has ***jurisdiction***.

6. – 3. **The mode of doing business.** The foreman acts as president, and the jury usually appoint one of their number to perform the duties of secretary. No records are to be kept of the acts of the grand jury, except for their own use, because, as will be seen hereafter, their proceedings are to be secret. Being thus prepared to enter upon their duties, the grand jury are supplied with bills of indictment by the attorney–general or other officer, representing the state or commonwealth against offenders. On these bills are endorsed the names of the witnesses by whose testimony they are supported. The witnesses are in attendance in another room, and must be called when wanted. Before they are examined as to their knowledge of the matters mentioned in the indictment, care must be taken that they have been sworn or affirmed. For the sake of convenience, they are generally sworn or affirmed in open court before they are sent to be examined, and when so qualified, a mark to that effect is made opposite their names.

7. In order to save time, the best practice is to find a true bill, as soon as the jury are satisfied that the defendant ought to be put upon his trial. It is a waste of time to examine any other witness after they have arrived at that conclusion. Twelve at least must agree, in order to find a true bill; but it is not required that they should be unanimous. Unless that number consent, the bill must be ignored. When a defendant is to be put upon his trial, the foreman must write on the back of the indictment "a true bill," sign his name as foreman, and date the time of finding. On the. contrary, where there is not sufficient evidence to authorize the finding of the bill, the jury return that they are ignorant whether the person Declarants committed the offence charged in the bill, which is expressed by the foreman endorsing on the bill "ignoramus," signing his name as before, and dating the

time.

8. – 4. **Of the evidence to be received.** In order to, ascertain the facts which the jury have not themselves witnessed, they must depend upon the statement of those who know them, and who will testify to them. When the witness, from his position and ability, has been in a condition to know the facts about which he testifies, he is deserving of implicit confidence; if, with such knowledge, he has no motive for telling a false or exaggerated story, has intelligence enough to tell what he knows, and give a probable account of the transaction. If, on the other hand, from his position he could not know the facts, or if knowing them, he distorts them, he is undeserving of credit. The jury are the able judges of the credit and confidence to which a witness is entitled.

9. Should any member of the jury be acquainted with any fact on which the grand jury are to act, he must, before he testifies, be sworn or affirmed, as any other witness, for the law requires this sanction in all cases.

10. As the jury are not competent to try the Declarants, but merely to investigate the case so far as to ascertain whether he ought to be put on his trial, they cannot hear evidence in his favor; theirs is a mere preliminary inquiry; it is when he comes to be tried in court that he may defend himself by examining witnesses in his favor, and showing the facts of the case.

11. – 5. **Of presentments.** The jury are required to make true presentments of all such matters which may be given to them in charge, or which have otherwise come to their knowledge. A presentment, properly speaking, is the notice taken by the grand jury of any offence from their own knowledge, as of a nuisance, a libel, or the like. In these cases, the authors of the offence should be named, so that they may be indicted,

12. – 6. **Of the secrecy to be observed by the grand jury.** The oath which they have taken obliges them to keep secret the commonwealth's counsel, their fellows and their own. Although contrary to the general spirit of our institutions, which do not shun daylight, this secrecy is required by law for wise purposes. It extends to the votes given in any case, to the evidence delivered by witnesses, and the communications of the jurors to each other; the disclosure of these facts, unless under the sanction of law, would render the imprudent juror who should make them public, liable to punishment. ***Giving intelligence to a defendant that a bill has been found against him, to enable him to escape, is so obviously wrong, that no one can for a moment doubt its being criminal. The grand juror who should be guilty of this offence might, upon conviction, be fined and imprisoned.*** The duration of the secrecy appears not to be definitely settled, but it seems this injunction is to remain as long as the particular circumstances of each case require. In a case, for example, where a witness swears to a fact in open

court, on the trial, directly in opposition to what he swore before the grand jury, there can be no doubt the injunction of secrecy, as far as regards this evidence, would be at an end, and the grand juror might be sworn to testify what this witness swore to in the grand jury's room, in order that the witness might be prosecuted for perjury. 2 Russ. Cr.. 616; 4 Greenl. Rep. 439; but see contra, 2 Halst. R. 347; 1 Car. & K. 519. Vide, generally, 1 Chit. Cr. Law, 162; 1 Russ. Cr. 291; 2 Russ. Cr. 616 2 Stark. Eversus 232, n. 1; 1 Hawk. 65, 500 2 Hawk. ch. 25; .3 Story, Const. _1778 2 Swift's Dig. 370; 4 Bl. Com. 402; Archb. Cr. Pl. 63; 7 Sm. Laws Penna. 685. **Bouvier's Law Dictionary, 1856 edition.**

Exhibit

"Presentment, Criminal Law"

PRESENTMENT, crim. law, practice. The written notice taken by a grand jury of any offence, from their own knowledge or observation, without any bill of indictment laid before them at the suit of the government; 4 Bl. Com. 301; upon such presentment, when 'proper, the officer employed to prosecute, afterwards frames a bill of indictment, which is then sent to the grand jury, and they find it to be a true bill. In an extended sense presentments include not only what is properly so called, but also inquisitions of office, and indictments found by a grand jury. 2 Hawk. c. 25, s. 1.

2. The difference between a presentment and an inquisition, (Audience: versus) is this, that the former is found by a grand jury authorized to inquire of offences generally, whereas the latter is an accusation found by a jury specially returned to inquire concerning the particular offence. 2 Hawk. c. 25, s. 6. Vide, generally, Com. Dig. Indictment, B Bac. Ab. Indictment, A 1 Chit. Cr. Law, 163; 7 East, R. 387 1 Meigs. 112; 11 Humph. 12. 3. The writing which contains the accusation so presented by a grand jury, is also called a presentment. Vide 1 Brock. C. C. R. 156; Grand Jury. **Bouvier's Law Dictionary, 1856 Edition.**

Exhibit

Title 5, Part III, Subpart D, Chapter 55, Subchapter III
Section 5520. Withholding State County Income Taxes.

Sec. 5517. Withholding State income taxes

(a) When a State statute -

(1) provides for the collection of a tax either by imposing on employers generally the duty of withholding sums from the pay of employees and making returns of the sums to the State, or by granting to employers generally the authority to withhold sums from the pay of employees if any employee voluntarily elects to have such sums withheld; and

(2) imposes the duty or grants the authority to withhold generally with respect to the pay of employees who are residents of the State; the Secretary of the Treasury, under regulations prescribed by the President, shall enter into an agreement with the State within 120 days of a request for agreement from the proper State official. The agreement shall provide that the head of each ***agency*** of the United States shall comply with the requirements of the State withholding statute in the case of employees of the ***agency*** who are subject to the tax and whose regular place of Federal employment is within the State with which the agreement is made. In the case pay for service as a member of the armed forces, the preceding sentence shall be applied by substituting 'who are ***residents*** of the State with which the agreement is made' for 'whose regular place of Federal employment is within the State with which the agreement is made'.

(b) This section does not give the consent of the United States to the application of a statute which imposes more burdensome requirements on the United States than on other employers, or which subjects the United States or its employees to a penalty or liability because of this section. An ***agency*** of the United States may ***NOT*** accept pay from a State for services performed withholding State income taxes from the pay of the employees of the ***agency***.

(c) For the purpose of this section, ***'State'*** means a State or territory or possession of the United States.

(d) For the purpose of this section and sections 5516 and 5520, the terms 'serve as a member of the armed forces' and 'service as a member of the Armed Forces' include -

(1) participation in exercises or the performance of duty under section 502 of title 32, United States Code, by a member of the National Guard; and

(2) participation in scheduled drills or training periods, or service on active duty for training, under section 270(a) of title 10, United States Code, by a member of the Ready Reserve.

-SOURCE-

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 478; Pub. L. 94-455, title XII, Sec. 1207(a)(1), (b), (c), Oct. 4, 1976, 90 Stat. 1704, 1705; Pub. L. 100-180, div. A, title V, Sec. 505(1), Dec. 4, 1987, 101 Stat. 1086.)

Historical and Revision Notes

Derivation U.S. Code Revised Statutes and Statutes at Large

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5 U.S.C. 84b. July 17, 1952, ch. 940, Sec. 1, 66 Stat. 765. Sept. 23, 1959, Pub. L. 86-371 'Sec. 1', 73 Stat. 653. 5 U.S.C. 84c. July 17, 1952, ch. 940, Sec. 2, 66 Stat. 766. Sept. 23, 1959, Pub. L. 86-371 'Sec. 2', 73 Stat. 653.

In subsection (b), the words 'after March 31, 1959' are omitted as executed. Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

AMENDMENTS

1987 - Subsec. (d). Pub. L. 100-180 struck out 'do not' before 'include'.

1976 - Subsec. (a). Pub. L. 94-455, Sec. 1207(a)(1), (c), inserted in par. (1) provision relating to the grant to employers of the authority to withhold sums from the pay of employees if any employee voluntarily elects to have such sums withheld, inserted in par. (2) 'or grants the authority' after 'imposes the duty', substituted in text following par. (2) provisions that in the case of pay for service as a member of the armed forces, the preceding sentence shall be applied by substituting 'who are residents of the State with which the agreement is made' for 'whose regular place Federal employment is within the State with which the agreement is made' for provision that the agreement may not apply to pay for as a member of the armed forces. Subsec. (d). Pub. L. 94-455, Sec. 1207(b), added subsec. (d).

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by section 1207(a)(1) of Pub. L. 94-455 applicable to withheld after the 120-day period following any request for an agreement after Oct. 4, 1976, see section 1207(f)(1) of Pub. L. 94-455, set out as a note under section 5516 of this title. 1207(f)(2) of Pub. L. 94-455 provided that: 'The amendments made by subsections (b) and (c) (amending this section) shall apply to wages withheld after the 120-day period following the date of the enactment of this Act (Oct. 4, 1976).'

EXECUTIVE ORDER NO. 10407

Ex. Ord. No. 10407, Nov. 7, 1952, 17 F.R. 10132, which related to regulations governing agreements concerning withholding of state or territorial income taxes, was revoked by Ex. Ord. No. 11968, Jan. 31, 1977, 42 F.R. 6787, formerly set out as a note under section 5520 of this title.

CROSS REFERENCES

Withholding of State income taxes by Secretary of Senate, see section 60c-3 of Title 2, The Congress. Withholding of State income taxes by Clerk and Sergeant at Arms of the House of Representatives, see sections 60e-1a and 60e-1b of 2. Withholding of State income taxes by Architect of the Capitol, see section 166b-5 of Title 40, Public Buildings, Property, and Works.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5520 of this title.

-END-

Exhibit

Title 5, Part III, Subpart D, Chapter 55, Subchapter III
Section 5520. Withholding of City or County Income or Employment Taxes.

Sec. 5520. Withholding of city or county income or employment taxes.

(a) When a city or county ordinance -

(1) provides for the collection of a tax by imposing on employers generally the duty of withholding sums from the pay of employees and making returns of the sums to a designated ***city or county officer***, ***department***, or ***instrumentality***; and

(2) imposes the duty to withhold generally on the payment of compensation earned within the ***jurisdiction*** of the city or county in the case of employees whose regular place of employment is within such jurisdiction; *the* ***Secretary of the Treasury****, under regulations prescribed by the President, shall enter into an agreement with the city or county within 120 days of a request for agreement by the proper city or official. The agreement shall provide that the head of each of the United States shall comply with the requirements of city or county ordinance in the case of any employee of the* ***agency*** *who is* ***subject to*** *the tax and (i) whose regular place of* ***Federal employment*** *is within the* ***jurisdiction*** *of the city or county with which the agreement is made or (ii) is* ***a resident*** *of such city county.* The agreement may ***NOT*** apply to pay for service as a member of the Armed Forces (other than service described in section 5517(d) of this title). The agreement may ***NOT*** permit withholding of a city or county tax from the pay of an employee who is ***NOT*** a ***resident*** of, or whose regular place of Federal employment is ***NOT*** within, the **State** in which that city or county is located **unless the employee *consents*** to the withholding.

(b) This section does ***NOT*** give the consent of the United States to the application of an ordinance which imposes more burdensome requirements on the **United States than on other employers** or which subjects the United States or **its** employees to a penalty or liability because of this section. An ***agency*** of the United States ***NOT*** accept pay from a city or county for services performed in withholding city or county income or employment taxes from the pay of employees of the ***agency***.

(c) For the purpose of this section: -

(1) *'city' means* any **unit** of general local government which -

(A) is classified as a municipality by the Bureau of the Census, or

(B) is a town or township which, **in the determination of the Secretary of the Treasury.**

(i) possesses powers and performs functions **comparable** to those associated with municipalities,
(ii) is closely settled, and
(iii) contains within its boundaries ***NO*** incorporated places, as defined by the Bureau of the Census, within the political boundaries of which 500 or more persons are regularly **employed by *ALL agencies* of the Federal Government**;

(2) ***'county' means*** any **unit** of local general government which is classified as a county by the Bureau of the Census and within the political boundaries of which 500 or more persons are **employed by *ALL* agencies of the Federal Government**;

(3) ***'ordinance' means*** an ordinance, order, resolution, or similar instrument which is duly adopted and approved by a city or county in accordance with the constitution and statutes of the **State** in which it is located and which has the force of law such city or county; and

(4) ***'agency' means*** -

(A) an Executive agency;
(B) the judicial branch; and
(C) the United States Postal Service.

-SOURCE-

(Added Pub. L. 93-340, Sec. 1(a), July 10, 1974, 88 Stat. 294, and amended Pub. L. 94-358, Sec. 1, July 12, 1976, 90 Stat. 910; Pub. 95-30, title IV, Sec. 408(a), May 23, 1977, 91 Stat. 157; Pub. L. 95-365, Sec. 1, Sept. 15, 1978, 92 Stat. 599; Pub. L. 100-180,. A, title V, Sec. 505(2), Dec. 4, 1987, 101 Stat. 1086.)

AMENDMENTS

1987 - Subsec. (a). Pub. L. 100-180 inserted '(other than service described in section 5517(d) of this title)' after 'Armed Forces' in penultimate sentence.

1978 - Subsec. (a). Pub. L. 95-365 designated existing provisions as cl. (i), inserted ', or whose regular place of Federal employment is not within,' after 'not a resident of', and added cl. (ii).

1977 - Pub. L. 95-30, Sec. 408(a)(1), inserted 'or county' after 'city' in section catchline.

Subsec. (a). Pub. L. 95-30, Sec. 408(a)(2), (3), substituted 'city or county' for 'city' in introductory provisions preceding par. (1), in par. (2), and in provisions following par. (2), and, in par. (1), substituted 'a designated city or county officer , or instrumentality' for 'the city'.

Subsec. (b). Pub. L. 95-30, Sec. 408(a)(2), substituted 'city or for 'city'.

Subsec. (c). Pub. L. 95-30, Sec. 408(a)(4), (5), added pars. (2) and (3) and redesignated former par. (2) as (4). 1976 - Subsec. (c)(1). Pub. L. 94-358

substituted provision defining a city, for purposes of this section, as any unit of general local government which is classified a municipality by the of the Census, or is a town or township which in the opinion of the Secretary of the Treasury possesses powers and performs functions comparable to those associated with municipalities, is closely settled, and contains within its boundaries no incorporated places, as defined by the Bureau of the Census, within the boundaries of which five hundred or more persons are regularly employed by ***ALL agencies*** of the Federal Government, for provision defining a city, for purposes of this section, as a city which is duly incorporated under the laws of a State and within the political boundaries of which five hundred or more persons are regularly employed by ***ALL agencies*** of the Federal Government.

EFFECTIVE DATE OF 1978 AMENDMENT

Section 2 of Pub. L. 95-365 provided that: 'The amendments made by the first section of this Act (amending this section) shall take effect on the 90th day after the date of the enactment of this Act (Sept. 15, 1978).'

EFFECTIVE DATE OF 1977 AMENDMENT

Section 408(c) of Pub. L. 95-30 provided that: 'The amendments made by this section (amending this section) shall take effect on the date of enactment of this Act (May 23, 1977).'

EFFECTIVE DATE OF 1976 AMENDMENT

Section 2 of Pub. L. 94-358 provided that: 'The amendment made by the first section of this Act (amending this section) shall take effect on the date of the enactment of this Act (July 12, 1976).'

EFFECTIVE DATE

Section 3 of Pub. L. 93-340 provided that: 'This section shall become effective on the date of enactment of this Act (July 10, 1974). The provisions of the first section and section 2 of this Act (enacting this section and amending section 410 of Title 39, Postal Service) shall become effective on the ninetieth day the date of enactment.'

EXECUTIVE ORDER NO. 11833. Ord. No. 11833, Jan. 13, 1975, 40 F.R. 2673, which related to the withholding of city income or employment taxes by ***federal agencies***, was revoked by Ex. Ord. No. 11863, June 12, 1975, 40 F.R. 25413, formerly set out as a note under this section.

EXECUTIVE ORDER NO. 11863 Ex. Ord. No. 11863, June 12, 1975, 40 F.R. 25431, which related to the withholding of city income or employment taxes by ***federal agencies***, was revoked by Ex. Ord. No. 11968, Jan. 31, 1977, 42 F.R. 6787, formerly set out as a note under this section.

EXECUTIVE ORDER NO. 11968 Ex. Ord. No. 11968, Jan. 31, 1977, 42 F.R. 6787, which related to withholding of District of Columbia, state and city income or employment taxes, was revoked by Ex. Ord. No. 11997, June 22, 1977, F.R. 31759, set out as a note below. ***EX. ORD. NO. 11997. WITHHOLDING OF DISTRICT OF COLUMBIA, STATE, CITY AND COUNTY INCOME OR EMPLOYMENT TAXES*** Ex. Ord. No. 11997, June 22, 1977, 42 F.R. 31759, provided: By virtue of the authority vested in me by Sections 5516, 5517 and 5520 of Title 5 of the United States Code, and Section 301 of Title 3 of the United States Code, and as President of the United States of America, in order to authorize the Secretary of the Treasury to provide for the withholding of county income or taxes as authorized by Section 5520 of Title 5 of the States Code as amended by Section 408 of Public Law 95-30, as well as to provide for the withholding of District of Columbia, and city income or employment taxes, it is hereby ordered as follows:

Section 1. Whenever the Secretary of the Treasury enters into an agreement pursuant to Sections 5516, 5517 or 5520 of Title 5 of the United States Code, with the District of Columbia, a State, a city or a county, as the case may be, with regard to the withholding, by ***agency*** of the United States, hereinafter referred to as ***agency***, of income or employment taxes from the pay of Federal employees or members of the Armed Forces, the Secretary of the Treasury shall ensure that each agreement is consistent with those sections and regulations, including this Order, issued thereunder.

Sec. 2. Each agreement shall provide (a) when tax withholding shall begin, (b) that the head of an ***agency*** may rely on the withholding certificate of an employee or a member of the Armed Forces in withholding taxes, (c) that the method for calculating the amount to be withheld for District of Columbia, State, city or income or employment taxes shall produce approximately the required to be withheld by the District of Columbia or State; or city or county ordinance, whichever is applicable, and (d) that procedures for the withholding, filing of returns, and payment of the withheld taxes to the District of Columbia, a State, a city or a county shall conform to the usual fiscal practices of ***agencies***. Any agreement affecting members of the Armed Forces shall also provide that the head of an ***agency*** may rely on the certificate of legal ***residence*** of a member of the Armed Forces in determining his or her residence for tax withholding purposes. ***NO*** agreement shall require the collection by an ***agency*** of delinquent liabilities of an employee or a member of the Armed Forces.

Sec. 3. The head of each ***agency*** shall designate, or provide for designation of, the officers or employees whose duty it shall be to withhold taxes, file required returns, and direct payment of taxes withheld, in accordance with this Order, any regulations by the Secretary of the Treasury, and the new applicable agreement.

Sec. 4. The Secretary of the Treasury is authorized to prescribe additional regulations to implement Sections 5516, 5517 and 5520 of Title 5 of the United States Code, and this Order. Sec. 5. Executive Order No. 11968 of January 31, 1977, is hereby revoked. However, all actions heretofore taken by the President or his delegates in respect of the matters affected by this Order and in force at the time of the issuance of this Order, including any regulations prescribed or approved by the President or his delegates in respect of such matters and any existing agreements approved by his delegates, shall, except as they may be inconsistent with the provisions of this Order, remain in effect until amended, modified, or revoked pursuant to the authority conferred by this Order, unless sooner terminated by operation of law.

Jimmy Carter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5517 of this title; title 39 section 410.

-END-

Body #2

V1300CR201980661
STATE V MICHAEL WILLIS CHASE
SENTENCING

[X] Any Bond not previously forfeited or pending forfeiture proceedings is exonerated.

Defendant's fingerprint is permanently affixed to this Sentencing Order in open Court.

JUDGE OF THE SUPERIOR COURT

Right Index Finger
Under fraud, Threat, Extortion, Duress, Coercion

Fingerprint

Revised 9-27-05

5 FILED
O'Clock P .M.
MAR - 7 2022
DONNA McQUALITY, Clerk
By: M. GREENWOOD

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
UNIFORM CONDITIONS OF SUPERVISED PROBATION

STATE OF ARIZONA
VS.
Michael Willis CHASE

COUNTY/DIVISION: YAVAPAI / V1300 CR: 2019 8661

§13-901.01 Offense: ☐ 1st ☐ 2nd ☐ Ineligible

PID#:

OFFENSE(S): ATT. Misconduct involving Simulated Explosive Device (class 6 Undesignated Felony) Criminal Damage (class 6 undesignated Felony) Resisting Arrest (class 1mm) Disorderly Cond. (class 1mm)

The Court is suspending imposition or execution of sentence and, under the supervision of the Adult Probation Department (APD),

☒ ***PLACING*** *the defendant on probation for a period of* 2 ☒ *year(s)* ☐ *month(s)* ☐ *days* ☐ *lifetime*
- ☐ *to begin ____/____/____ or*
- ☐ *upon absolute discharge from prison for a separate offense or*
- ☐ *upon release from prison for felony DUI (____ months; ____ days credit for time served)*
- ☐ *upon release from prison pursuant to A.R.S. § 13-603(K)*

☐ ***REINSTATING*** *the defendant on probation for a period of ____ ☐ year(s) ☐ month(s) ☐ days ☐ lifetime*
- ☐ *to begin ____/____/____ with a revised expiration date of ____/____/____.*

I AGREE TO THE FOLLOWING AS CONDITIONS OF THE SUSPENSION OF IMPOSITION OR EXECUTION OF SENTENCE: *(Conditions Checked Also Apply)*

LAW ABIDING BEHAVIOR

1. I will maintain a crime-free lifestyle by obeying all laws, and not engaging or participating in any criminal activity.
2. I will not possess or control any stun guns, tasers, firearms, ammunition, deadly or prohibited weapons as defined in A.R.S. § 13-3101.
3. I will report any contact I have with law enforcement to the APD within 72 (or ____) hours.
4. I will submit to search and seizure of person and property by the APD without a search warrant.
5. If deported or processed through voluntary departure, I will not return to the United States without legal authorization during the term of my probation. If I am deported or processed through voluntary departure, all conditions remain in effect except for _____.

REPORTING TO APD

6. I will report to the APD within 72 (or ____) hours of sentencing, absolute discharge from prison, release from incarceration, or residential treatment and continue to report as directed. I will also keep APD advised of progress toward case plan goals and comply with any written directive of the APD to enforce compliance with the conditions of probation. I will provide a sample for DNA testing if required by law.

RESIDENCE

7. I will provide the APD safe, unrestricted access to my residence and receive prior approval of the APD before changing my residence. I will reside in a residence approved by the APD.
8. I will request and obtain written permission of the APD prior to leaving the state (☐ county).
9. I may apply for Interstate Compact supervision in the state of _____ and will not proceed to that state until reporting instructions are received and the APD issues a written travel permit.
10. I may apply for an Inter-County transfer and will not proceed to that County until APD issues written authorization.

c: CA(e)
Michael Willis Chase-in proper (h)
PD(e)- etsy copy

UNIFORM CONDITIONS OF SUPERVISED PROBATION – PAGE 2 OF 3

STATE OF ARIZONA COUNTY/DIVISION: V/AVMAJ

VS. Michael Willis CHASE V/13 00 CR: 20198661

TREATMENT/BEHAVIOR CHANGE/PRO-SOCIAL ACTIVITIES

11. I will actively participate and cooperate in any program of counseling or assistance as determined by APD, or as required by law, given assessment results and/or my behavior. I will sign any release or consent required by the APD so the APD can exchange information in relation to my treatment, behavior and activities.
12. I will not possess or use illegal drugs or controlled substances and will submit to drug and alcohol testing as directed by the APD.
13. I will obtain written approval of the APD prior to associating with anyone I know who has a criminal record. I will not knowingly associate with any person engaged in criminal behaviors.
14. I will seek, obtain, and maintain employment, if legally permitted to do so, and/or attend school. I will inform the APD of any changes within 72 hours.
15. I will be financially responsible by paying all restitution, fines, and fees in my case as imposed by the Court. I understand, if I do not pay restitution in full, the Court may extend my probation.
16. ☒ I will not consume or possess any substances containing alcohol.

SPECIAL REQUIREMENTS

17. ☐ I will complete a total of _____hours of community restitution. I will complete a set number of hours per month as directed in writing by my probation officer. I will complete these hours at a site approved by the APD.
18. ☐ I will serve 308 ☒ days ☐ month(s), in the county jail beginning ___/___/___ with credit for 308 days served, ☐ not to be released until ___/___/___. I will report to the APD within 72 (or ____) hours of my release from jail. I will comply with all program rules.
    ☐ Be screened for or ☐ shall participate in Work Furlough, if eligible or ☐ Work Release, if eligible
19. ☐ I will not have any contact with the victim(s) in any form, unless approved in writing by the APD.
20. ☑ I will comply with the following sanctions based on my behavior:
    ☑ Up to 100 community restitution hours (in addition to any ordered under condition #17), as directed by the APD.
    ☐ Up to 120 days in the county jail (in addition to any ordered under condition #18), at the discretion of the Court, upon recommendation from the APD.
21. ☐ I will abide by the attached special conditions of probation:
    ☐ Intensive Probation ☐ Sex Offender ☐ Gang
    ☐ Domestic Violence ☐ Drug Court ☐ _____
    ☐ Mental Health ☐ DUI Court/Program
22. ☑ Proj safe $25 A MONTH

$50 PROBATION FEE (monthly) JUDGMENT FINES FEES

$750 FINE + 76% SURCHARGE

$13. ASSESS ALL PAYMENTS START

$2.00 ASSESS 4/11/2022

$20.00 PROBATION FEE

$3,713. IN RESTITUTION

DEFENDANT SHALL PROVIDE A FINGERPRINT WITHIN 60 DAYS OF SENTENCING.

UNIFORM CONDITIONS OF SUPERVISED PROBATION – PAGE 3 OF 3

STATE OF ARIZONA COUNTY/DIVISION: Yavapai 1 2

VS. Michael Willis Chase V1300 CR: D0198061

Based upon the defendant's agreement to abide by the Conditions of Supervision set forth, above, as well as my review and approval of such conditions, I hereby impose and order that these conditions are in effect, and the defendant shall comply with said conditions.

[signature] 3/7/2022

Judge of the Superior Court Date

I Do Not Acknowledge me

RECEIPT AND ACKNOWLEDGMENT: *I acknowledge receipt of the conditions of probation and any attachments added. I understand that by not abiding by the conditions of probation my probation could be revoked and the Court may sentence me in accordance with the law. In addition, I waive extradition for any probation revocation proceedings in this matter.*

autographed under Threat, Duress, and Coercion [signature] 3-7-2022

Defendant Date

P.O. Box 4490 Sedona AZ 86340 928-399 9688

Defendant's Address Apt. City State Zip Phone

White (Original) – Court Yellow – APD Pink – Defendant

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
SPECIAL CONDITIONS OF PROBATION

FILED
5 O'Clock P .M.
MAR - 7 2022 ✓
DONNA McQUALITY, Clerk
By: M. GREENWOOD

State of Arizona
Vs. Michael Willis CHASE

Yavapai County Division 2
✓ 1300CR 201980661

agree that the following conditions checked also apply:

☐ **Domestic Violence**

1. I will participate in and successfully complete domestic violence treatment/intervention as directed by the APD.
2. I will not initiate or maintain telephone, correspondence, personal or third party contact with the victim(s) without the prior written approval of the Court or the APD. I will not enter onto the premises, travel past or loiter near where the victim(s) resides or works.
3. I will avoid all contact with the victim's family unless approved in writing by the APD.
4. I will abide by all Court orders, orders of protection, directives, divorce decrees and visitation conditions.
5. I will abide by all intervention program rules, conditions, requirements and payment of any fees.
6. I will authorize my therapist to disclose to the Court and the APD information about my attendance and progress in treatment.
7. I will not respond to any attempts by the victim to communicate with me and will immediately report to the APD any contact initiated by the victim(s).
8. I will immediately report the service of any Court, divorce or visitation documents to the APD.
9. I will abide by any curfew imposed by the APD.
10. I will not threaten, intimidate or harass any staff of the APD.
11. I will not possess counter-surveillance devices, police scanners, or wireless monitoring/intercepting equipment.

☐ **Gang**

1. I will carry an Arizona Driver's License or Arizona I.D. Card and provide it to law enforcement upon request.
2. I will submit to search and seizure of person or property by any peace officer or probation officer with or without a search warrant.
3. I will establish residence at a place approved by the APD and I will not live with anyone without the prior written approval of the APD.
4. I will not appear in Court or at any Courthouse unless by Court order or approved by the APD.
5. I will not visit any school grounds unless registered as a student at that school or unless given prior written approval of the APD.
6. I will not associate with any criminal street gang members or individuals as specified by the APD.
7. I will not visit any known criminal street gang gathering areas or locations as specified by the APD.
8. I will not display criminal street gang signs or gestures.
9. I will not wear, display, use, produce or possess criminal street gang-related clothing or paraphernalia.
10. I will not possess graffiti in any form. I will not possess or maintain paints, aerosol spray cans, pens, etching devices, or other instruments used to apply graffiti.
11. I will not obtain any tattoos without the prior approval of the APD.
12. I will abide by the curfew imposed by the APD.

Gang - continued

13. I will report any contact with law enforcement to the APD within 24 hours.
14. I will not possess counter-surveillance devices, police scanners, or wireless monitoring/intercepting equipment.

☐ **White-Collar**

1. I will not incur any additional business or personal financial obligations and/or encumbrances without the prior written approval of the APD.
2. I will submit all accounting records, procedures and internal financial controls as directed by the APD.
3. I agree to sign release of information forms for all banking, savings and investment accounts, tax returns and any other financial information as requested by the APD.
4. I will submit copies of tax returns or extension requests to the APD at the time that I file those documents.
5. I will not open any checking, savings, investment, credit, or retirement accounts without the prior written approval of the APD.
6. I will provide proof as directed by the APD of all household income and expenses.
7. I will notify my employer as directed by the APD of my current convictions.
8. I will not gamble without the prior written approval of the APD.
9. I will not use or possess any computer equipment or access the Internet without the prior written approval of the APD. If granted use or access, I will abide by the APD computer usage guidelines.
10. I will not possess counter-surveillance devices, police scanners, or wireless monitoring/intercepting equipment.
11. I will not have any contact with the victim(s) in any form, unless approved in writing by the APD.
12. I will not serve in a fiduciary capacity for any entity, public or private, without the written approval of the APD.

☒ **Mental Health**

1. I agree to participate actively and cooperate fully in a residential or outpatient mental health program at the discretion of the APD.
2. I agree to take medication as prescribed and report any changes in my medication use to the APD.
3. I will follow the instruction of treatment staff.
4. I will submit to blood level checks as instructed by either treatment staff or the APD.
5. I understand and agree that treatment can include restriction to my residence for the purpose of relapse monitoring at the direction of the APD.
6. I authorize my therapist to disclose to the Court and the APD information regarding my attendance and progress.

I Do Not Acknowledge

~~Receipt and Acknowledgement:~~ *I acknowledge receipt of the Special Conditions of Probation. I understand and will comply with these Special Conditions of Probation. I understand that a violation of any of these conditions could result in the revocation of my probation and the Court may impose sentence upon me in accordance with the law.*

M. C 3-7-2022
Defendant Date

JS 3/7/2022
Judge of the Superior Court Date

Photographed under threat, duress and coercion

White (original) - Court Yellow - APD Pink – Defendant Revised 12/09

3:CE(E) / PD(E)-etsy copy / michael willis chase-proper (h)

FEE/FINES; SILVER DOLLAR COIN IS THE ONLY DOLLAR IN LAW. BY DECLARED WITNESSED TESTIMONY BY MICHAEL WILLIS OF THE CHASE FAMILY

Yavapai County Adult Probation Department Implementation of Conditions of Probation

Defendant: Michael Willis Chase **Cause Number:** CR201980661

In accordance with the Conditions of Probation granted by the Court in the above cause and the provisions of Rule 27.1 of the Arizona Rules of Criminal Procedure, the following regulations are deemed necessary to implement the conditions imposed by the Court, and are not inconsistent with them.

Standard Condition of Probation #6: You are hereby directed in writing by your probation officer to report in person to the Yavapai County Adult Probation Department office, located at 411 South 14th Street in Cottonwood, Arizona, on the first Wednesday of every month at 2:30PM, effective immediately. If your office day falls on a state holiday, you must report on the following Wednesday.

Standard Condition of Probation #7: You are hereby directed in writing by your probation officer, to keep your probation officer updated with the location you currently reside and sleep at, by drawing a map of the area and mailing it to: Tai Davis, 411 South 14th Street, Cottonwood, Arizona, 86326. The map must be detailed enough that the average person, familiar with the Verde Valley, could easily find it. You must mail your probation officer a new map within 72 hours of moving to a new location.

Standard Condition of Probation #11: You are hereby directed in writing by your probation officer, to be screened by Spectrum Healthcare, located at 8 East Cottonwood Street, in Cottonwood, Arizona, for placement into a treatment program, no later than May 6, 2022. It is your sole responsibility to attend all sessions recommended by Spectrum Healthcare. At your screening appointment, you must request and then sign a Release of Information that allows Spectrum Healthcare and Yavapai County Probation to exchange confidential information about your treatment.

Standard Condition of Probation #12: You are hereby directed in writing by your probation officer, to start drug screenings at Averhealth, effective immediately. You must call (928) 399-4099 every day to find out if you are scheduled to test. Your unique seven-digit PIN is 3372171. Averhealth's automated telephone system will inform you whether you are required to test that day. If instructed to test, you must report to 1423 East State Route 89A, Cottonwood, Arizona, between the hours of 11:00am and 6:30pm. It is your responsibility to pay for each drug screening.

Standard Condition of Probation #15: You are hereby directed in writing by your probation officer, to make a court payment of $75.00 each month beginning April 11, 2022. You must mail a cashier's check or money order with your case number written on it to: Criminal Payments, Clerk of the Superior Court, 120 South Cortez Street, Prescott, Arizona, 86303.

Standard Condition of Probation #22: You are hereby directed in writing by your probation officer, to submit to fingerprinting at the Yavapai County Jail, located at 2830 North Commonwealth Drive, Camp Verde, Arizona, no later than May 6, 2022.

Note: By signing this form you acknowledge that you have been advised of your responsibilities to fulfill your conditions of probation. Failure to comply with any of the above directives may result in the Court being notified of your noncompliance.

DO NOT PLACE ANY MARK OUTSIDE THIS BOX

DEFENDANT'S SIGNATURE DATE

04/06/2022

SUPERVISING OFFICER'S SIGNATURE DATE

Yavapai County Adult Probation Department Review and Acknowledgement

Defendant: Michael Willis Chase **Cause Number:** CR201980661

I have had explained to me, fully understand, and previously received a copy of the Conditions of my Probation and have no questions as to my expected behavior.

DO NOT PLACE ANY MARK OUTSIDE THIS BOX

DEFENDANT'S SIGNATURE DATE

04/06/2022

SUPERVISING OFFICER'S SIGNATURE DATE

UNIFORM CONDITIONS OF SUPERVISED PROBATION – PAGE 3 OF 3

STATE OF ARIZONA **COUNTY/DIVISION:** Yavapai 1 2

VS. Michael Willis Chase V1300 **CR:** D0194806L1

Based upon the defendant's agreement to abide by the Conditions of Supervision set forth, above, as well as my review and approval of such conditions, I hereby impose and order that these conditions are in effect, and the defendant shall comply with said conditions.

[signature] 3/7/2022

Judge of the Superior Court **Date**

I Do Not Acknowledge Me

~~**RECEIPT AND ACKNOWLEDGMENT:**~~ *I acknowledge receipt of the conditions of probation and any attachments added. I understand that by not abiding by the conditions of probation my probation could be revoked and the Court may sentence me in accordance with the law: In addition, I waive extradition for any probation revocation proceedings in this matter.*

autographed under Threat, Duress, and Coercion [signature] 3-7-2022

Defendant **Date**

P.O. Box 4490 Sedona AZ [86340] 928-399-9688

Defendant's Address **Apt.** **City** **State** **Zip** **Phone**

White (Original) – Court Yellow – APD Pink – Defendant

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
COUNTY OF YAVAPAI

STATE OF ARIZONA	)	**CAUSE NO. V1300CR201980661**
	)	**DIVISION 3**
vs.	)	**Yavapai County Adult Probation Department**
MICHAEL WILLIS CHASE	)	**Pre-Dispositional Probationer Progress Report**

The defendant was found guilty of Attempted Misconduct Involving Simulated Explosive Devices, Criminal Damage, both class 6 undesignated felonies, Resisting Arrest, Disorderly Conduct, both class 1 misdemeanors, on March 7, 2022, and placed on Standard Probation Supervision for a period of two years. On April 22, 2022, the defendant denied the allegations in a Project S.A.F.E. Violation Report, and the matter was converted to a Petition to Revoke.

Time in Custody

Dates	Reason	Days
11/21/19 – 09/24/20	Presentence	309
	Total Time in Custody:	**309**

Probationer Compliance and Progress on Probation

- Not Applicable

Probationer Non-Compliance on Probation

- Refuses to submit to urinalysis

Sanctions: SAFE CSW

Treatment Enhancements: Referred

Financial Obligations

Account	Amount Ordered	Balance	Delinquent
Restitution	$3,713.00	$3,713.00	
Fines, Fees & Assessments	$1,370.00	$1,370.00	
Probation Services Fee	$50.00/mo.		$0.00

Community Restitution

Ordered	Completed	Balance
0 hours	0	0

Discussion and Recommendation

- Defendant states he is a "denizen," or free inhabitant, and is not under the authority of the State of Arizona or the Adult Probation Department.
- A risk assessment has not been completed due to the defendant's uncooperative attitude, and he will not sign intake paperwork.
- The defendant makes the simplest tasks as difficult as possible and has caused disturbances at the Court Clerk's Office, Spectrum Healthcare, and Averhealth.
- Without the defendant's cooperation, community supervision has little chance of success.
- It is therefore, respectfully recommended, that the defendant be given a terminal jail sentence.

Based upon the available victim information:

The victims have opted-in, and will be informed of the date, time, and place of the hearing.

DATED this 11th day of May 2022

PO Signature

05/11/2022 02:24:45 pm

05/11/2022 02:14:58 pm

Revised 9/11

Debtors' Prisons

Body #2

¶26. Congress outlawed Debtors' Prisons. Declarant will NOT fail to PAY monthly fees mailed to Declarant by a **private probation company, called Yavapai County Adult Probation Department.** Declarant is on probation because of a conviction signed by John D. Napper. In Yavapai County, Arizona, many of those in jail are there because they own fines and fees, who have been imprisoned because they are indigent debtors.

¶27.Fact, Arizona's tradition of debtors' imprisonment is alive and well. This Declarant how can this be? Jailing the indigent for their failure to meet contractual obligations was considered primitive by ancient Greek and Roman politicians, and remains illegal and unheard of in most developed countries, Under the International Covenant of Civil and Political Rights, the practice is listed as a civil-rights violation.

¶28. From the Library of Congress quote, "In the United States, debtors' prisons were banned under federal law in ***1833***. A century and a half later, in ***1983***, the Supreme Court affirmed that incarcerating indigent debtors was unconstitutional under the Fourteenth Amendment's Equal Protection clause. Yet, citizens of the United States, who are subjects slaves are, to this day, routinely jailed after failing to repay debt. Though *de jure* debtors' prisons are a thing of the past, *de facto* debtors' imprisonment is ***NOT***. So what do we really know about modern-day debtors' imprisonment – *how* it returned, when, and where? Below, are seven frequently answers about the history and abolition of debtors' imprisonment, and its "***Under-The-Radar"*** second act," unquote.

¶29. ***First,*** "***Under-The-Radar"*** Debtor's imprisonment went largely unnoticed until after the financial crisis of 2008, when investigative reporting in the Minneapolis Star Tribune and elsewhere began to expose the trend. ***So, just what is debtors' prison?*** A debtors' prison is any prison, jail, or other detention facility in which people are incarcerated for their ***inability***, ***refusal***, or ***failure*** to ***PAY*** debt.

¶30. ***Second, what is the history of debtors' prisons in the United States?*** From the late 1600s to the early 1800s many cities and states operated actual "***debtors' prisons***," brick-and-mortar facilities that were designed explicitly and exclusively for jailing negligent borrowers – some of whom owed ***NO*** more than 60 cents. These ***dungeons,*** such as Walnut Street Debtors' Prison in Philadelphia and the New Gaol in downtown Manhattan, were modeled after debtors' prisons in ***London***, like the "***Clink***" (the origin of the expression "in the clink").

¶31. **Fact**, ***third,*** For a more in-depth, historical look at the country's treatment of debtors, read ***Jill Lepore's*** reporting in the New Yorker. Imprisonment for indebtedness was common place. Two signatories of the Declaration of Independence, ***James Wilson***, an associate justice of the Supreme Court, and ***Robert Morris***, a close friend of ***George Washington's***, spent time in jail after neglecting loans.

¶32. ***Forth,*** but for those without friends in high places, debtors' imprisonment could turn into a ***life sentence***. In many jurisdictions, debtors were ***NOT*** freed until they acquired outside funds to ***PAY*** what they owed, or else worked off the debt through years of ***PENAL LABOR***. As a result, many languished in prison – and died there – for the crime of their indigence.

¶33. ***Fifth,*** but "***debtors prisons***" was outlawed, right? Yes, technically. After the War of 1812, a costly stalemate, more and more Americans were holding debt, and the notion of imprisoning all these debtors seemed increasingly "***feudal***." Moreover, America was seen as a country of immigrants, and many European immigrants had come here to ***escape debt***. So, in 1***833***, Congress abolished the practice under federal law. ***Between 1821 and 1849, twelve states followed suit***. Meanwhile, with the advent of bankruptcy law, "We The People" were given a way out of insurmountable debt, and creditors were made to share some of the risk inherent in a loan transaction. ***Legislation passed in 1841, 1867, and 1898 replacing a system that criminalized bankruptcy with one***

designed to resolve as much debt as the debtor could afford, while absolving the remainder. During the 20th century, on three separate occasions, the Supreme Court affirmed the unconstitutionality of incarcerating those too poor to repay debt. In 1970, in ***Williams versus Illinois***, the high court decided that a maximum prison term could ***NOT*** be extended because the defendant failed to pay court costs or fines. A year later, in ***Tate versus Short***, the justices ruled that a defendant may ***NOT*** be jailed solely because he or she is too indigent to ***PAY*** a fine. Most importantly, the 1983 decision in ***Bearden versus Georgia*** compelled local judges to distinguish between ***debtors*** who are too poor to ***PAY*** and those who have the financial ability but "***willfully***" ***refuse*** to do so.

When And _Why_ Did The Courts Revert To Jailing Debtors?

¶34. ***Sixth,*** experts say that the trend, though ongoing, coincided with the rise of "***mass incarceration***." Alec Karakatsan is, a lawyer who last year brought one of the only lawsuits to successfully challenge a local court system for jailing indigent debtors, says that the first step was the normalization of incarceration.

> ***"In the 1970s and 1980s," he says, "we started to imprison more people for lesser crimes. In the process, we were lowering our standards for what constituted an offense deserving of imprisonment, and, more broadly, we were losing our sense of how serious, how truly serious, it is to incarcerate. If we can imprison for possession of marijuana, why can't we imprison for NOT paying back a loan?"***

¶35. As a result of the greater reliance on incarceration, says Karin Martin, a professor at John Jay College and an expert on "***criminal justice financial obligations,***" there was

a dramatic increase in the number of statutes, penal statutes, listing a prison term as a possible sentence for failure to repay "Criminal-Justice Debts"

¶36. CRIMINAL-JUSTICE DEBT[3] For an accounting of state-by-state court fees, *see* NPR's series "Guilty and Charged."

> **"In the late 80s and early 90s," Karin Martin says, "there was a major uptick in the number of *rules*, at the state level but also in the *counties*, indicating jail time for failure to pay various fines and fees."**

¶37. Next came the fiscal crisis of the 2000s, during which many states were contending with budget deficits and looking for ways to save[4] Many judges, including ***J. Scott Vowell***, a circuit court judge in Alabama, felt pressured to make their courts financially self-sufficient, by using the threat of jail time – established in those ***penal statutes*** – to squeeze cash out of small-time ***debtors***.

> **4** *See* LOOKING FOR WAYS TO SAVE According to CBS MoneyWatch and the ACLU, the cost to taxpayers of arresting and incarcerating a debtor is generally more than the amount to be gained by collecting the debt.

The "Private Probation Companies Market

¶38. Finally, in only the last several years, the birth of a new brand of "***offender-funded***" justice has created a market for ***private probation companies***. Purporting to save taxpayer dollars, these outfits ***force*** the offenders themselves to ***foot the bill*** for ***parole***, ***reentry***, ***drug rehab***, ***electronic monitoring***, and ***other services*** (some of which are ***NOT*** even assigned by a judge by "Court Order"). When the offenders can't ***PAY*** for all of this, they may be jailed – even if they have already served their time for the offense.

What Are Some Types Of Debt That "We The People" Are Sent To Jail For *NOT PAYING?* Understanding "Private Debt" And "Criminal-Justice Debt!!!

¶39. There are two types: "Private Debt", which may lead to involvement in the criminal justice system, and "Criminal-Justice Debt", accrued *through* involvement in the criminal justice system.

¶40. In the "Private Debt" category are credit card debt, unpaid medical bills and car payments, and payday loans and other high-interest, short-term cash advances, which indigent borrowers rely on but struggle to repay. In these cases, the creditor – a predatory lender, a landlord, or a utility provider – ***OR*** a debt collector (hired by the creditor) may bypass bankruptcy court and take the debtor straight to civil court. If the debtor fails to show up, or if the judge deems that the debtor is "***willfully***" ***NOT PAYING*** the debt, the judge may write a warrant for the debtor's arrest on a charge of "***contempt of court.***" The debtor is then held in jail until he or she posts bond ***OR*** pays the debt, in a process known as "pay or stay."

¶41. The "Criminal-Justice Debt" category, is also termed "criminal justice financial obligations," actually consists of three sub-categories: ***fines***, i.e. monetary penalties imposed as a condition of a sentence, including, say, a traffic ticket; ***fees***, which may include jail book-in fees, ***Bail investigation fees,*** public defender application **fees**, drug testing ***fees***, DNA testing ***fees***, ***jail perdiems*** for ***pretrial detention***, ***court costs***, ***felony surcharges***, ***public defender recoupment fees***, and on and on and on; and ***restitution***, made to the victim or victims for personal ***OR*** property damage. Also in this category are ***costs of imprisonment*** (billed to inmates in 41 states), and of ***parole*** and ***probation*** (44 states).

BAIL INVESTIGATION FEES [5] For more on bail, see The Marshall Project's Alysia Santo's reporting on the future of the industry.

¶42. If an offender ***OR*** ex-offender fails to ***PAY*** any of this debt, the court will ***outsource the debt*** to a ***private debt collector***, and the process of taking the debtor to court, described above, begins all over again.

I'm Confused, Is This A "Civil" Or A "Criminal Matter"? Is This Debt "Private" Or "Public"?

¶43. That's confusing for debtors, too. For indigent people, a "civil proceeding" regarding "private debt" – say, an unpaid payday loan – may have "criminal ramifications"; conversely, involvement in a criminal case may "create debt", causing a new "civil proceeding".

¶44. According to **Karin Martin**, this ambiguity has "***grave consequences***". For one, indigent debtors ***DO NOT*** know whom to negotiate with – the DMV, which mailed the speeding ticket, ***OR*** the debt collector that now seems to be pursuing the matter. Also, "***criminal-justice debt***" affects "private creditworthiness" and eligibility for a driver's license, making it harder to get a job, get a home, get a loan, ***OR*** otherwise find a way to ***avoid jail***, ***REPAY*** the debt and regain solid economic footing.

¶45. Most importantly, explains ***John Pollock***, the coordinator of the ***National Coalition for a Civil Right to Counsel***, indigent defendants have a right to counsel in criminal cases, but ***NOT*** in civil ones. Yet, as noted, they may be jailed ***for failing to show up at a civil hearing OR*** for ***NOT*** resolving civil debt. ***In other words, poor people with debt face criminal consequences but without the Constitutional protections afforded to criminal defendants***.

If Debtors' Imprisonment Is Unconstitutional, Why Does It Happen?

¶46. ***It happens for two reasons. The first is*** that judges may incarcerate debtors who fail to show up at debt-related proceedings.

¶47. In these cases, the crime is not failure to pay, but rather "***failing to appear in court***," "***disobeying a court order,***" or "***contempt of court***."

¶48. ***The second is*** that the Supreme Court, in the ***1983 decision in Bearden versus Georgia***, ***DID NOT*** define two key terms: "***indigent***" and "***willful.***" How are judges

supposed to decide whether a debtor is "***indigent***" ***OR***, rather, is "***willfully***" ***refusing*** to ***PAY***?

¶49. By leaving this ***mens rea*** determination to individual judges, rather than providing bright-line criteria as to how to make the distinction, the justices left open the possibility that a local judge with high standards for "***indigence***" could circumvent the spirit of ***Bearden*** and send a very, very poor ***debtor*** to jail or prison.

¶50. In practice, different judges have different criteria for deciphering whether a debtor is "***indigent***." Some judges will determine how much money a debtor has by having him or her complete an interview or a short questionnaire. Some judges will rule that the debtor is ***NOT*** "***legitimately***" indigent and is, instead, "***willfully***" neglecting the debt – because the debtor showed up to the courtroom wearing a flashy jacket or expensive tattoos.

¶51. And other judges will consider all nonpayment to be "***willful,***" unless ***OR*** until the debtor can ***prove*** that he or she has ***exhausted*** absolutely all other sources of income – by quitting smoking, collecting and returning used soda cans and bottles, and asking family and friends for loans.

The Principal In The Courts State And Federal And *All* Agencies

Is "The Fund" And "The Bank"

¶52. vFact-1. The United States Is The Corp-orator of "The Bank" and "The Fund" Under **Title 22 – Foreign Relations and Intercourse. USC §286e.** *Th United States* **DOES NOT** *brings actions against people! The United States has* ***NO*** *sovereign character, it* ***relinquished*** *it's sovereign character. Because the United States is* ***exacting*** *"The Bank" and "The Funds" corporate notes and obligations the United States is operating in a* ***private*** *character. The same is true of the several states neither are Sovereign they are purely* ***private*** *operating under The Bank and The Funds*

*charters. Under those charters they are soliciting and collecting IMF obligations. That is why the courts state and federal say, "the Constitutions **DO NOT APPLY**!!!*

¶53. Fact-2. The United States and the several states are NOT governments that would be misrepresenting and defrauding the court, the jury and ALL defendants. Why? Because the courts will ***NOT*** disclose who the "Real Party In Interest" is, the courts ***NEVER*** disclose the true nature and accusation against defendants.

¶54. Fact-3. the Principal In The Courts State And Federal And All Agencies Is "The Fund" And "The Bank", *the principal and former sovereign the United States merely became the **alter ego** of the **instrumentality** of the "Fund" and the "Bank"* [6] ***exacting*** *"The Bank" and "The Funds" corporate notes and obligations for it's* principal "The Fund" and "The Bank".

Understand The Concept Of The "Alter Ego" From The Law Dictionary.

The Doctrine of "Corporate Alter Ego"

Sometimes people want to hide, they need curtains to hide behind, to disguise, or obscure their true identity their true character their true morality. So, they want to hide certain behavior it's like wearing a veil or a disguise. Masking one's behavior behind a corporate agent or "corporate veil" is very common. It's like hide-and-seek or hide-and-go-seek; In the corporate world it's the game in which one player (a principle) hides from the others "third parties", putting on the "corporate veil" of secrecy, or going into hiding from

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6 **Exaction.** The wrongful act of an officer or other person in compelling payment of a fee or reward for his services, under color of his official authority, where no payment is due. See also Extortion. **Black's Law Dictionary 5th edition page 500.**

Exactor. In the civil law, a gatherer or receiver of money, a collector of taxes, In old English law, a collector of the public moneys; a tax gatherer. Thus, exactor *regis* was the name of the King's tax collector, who took up the taxes and other debts due the treasury. **Black's Law Dictionary 5th edition page 500.**

their criminal behavior, or keeping themselves out of sight or isolating "risky" behavior from personal liability through an agent their "corporate veil".

The corporate veil is removed and one is personally liable when there is "fraud" or "self-dealing". It's a transaction wherein somebody who is given the legal authority to manage money or property, supposedly, on behalf of somebody else is really acting for himself and also as "trustee." A "trust" relationship which demands strict "fidelity" to others. "Self-dealing" seeks to consummate a deal wherein "self-interest" is opposed to "duty." More than not "duty," demanding "strict fidelity," is in action and deed "self-help" which is taking action in person (as a principle) for that legal person (corporate agent) or by a representative with legal consequences, whether the action is legal or not. "Self-helping for yourself" would be receiving money as a director of a corporation in violation of the rule that the law raises that neither party may exert influence or pressure upon the other, take selfish advantage of his trust, or deal with the subject matter of the corporation in such a way as to benefit himself or prejudice the other except in the exercise of the utmost "good faith" and with the "full knowledge" and "consent" of that other, using business shrewdness, hard bargaining, and astuteness to take advantage of the forgetfulness or negligence of another being totally prohibited as between persons standing in such a relation to each other. A fiduciary relationship exists between a principle and agent.

"Alter Ego Doctrine"

Alter ego is "Second Self". Under the doctrine of "alter ego", the courts merely disregards the corporate entity and holds individual(s) responsible for acts knowingly and intentionally done in the name of corporation. See **Ivy versus Plyler, 246 Cal. App.2d 678, 54 Cal.Rptr. 894, 897.**

To establish the "alter ego" doctrine, it must be shown that the stockholders disregarded the entity of the corporation, made the corporation a mere conduit for the transaction of their own private business, and that the separate individualities of the corporation and its stockholders in fact ceased to exist. See **Sefton versus San Diego Trust & Savings Bank, Cal.App., 106 P.2d 974, 984.**

The doctrine of "alter ego" does not create assets for or in a corporation, but it simply fastens liability on the individual(s), those, who uses the corporation merely as an instrumentality in conducting their own personal business, AND THAT LIABILITY SPRINGS FROM FRAUD PERPETRATED NOT ON THE CORPORATION, BUT ON THIRD PERSONS DEALING WITH THE CORPORATION. See Garvin versus Matthews, 193 Wash. 152, 74P.2d 990, 992.

¶55. **Fact-4.** "The Bank" and "The Fund" are the principals the United States and the several states are alter egos of the [7] instrumentality the [8] foreign principal exacting corporate notes and obligations in private characters. ALL "citizens of the United States" are the collateral on corporate notes and obligations.

Title 22—Foreign Relations and Intercourse.

[as of 2006]

22 USC §286e. Payment of subscriptions to Fund and Bank by United States; issuance of special notes; income covered into Treasury.

The Secretary of the Treasury is authorized to pay the balance of the subscription of the United States to the Fund not provided for in subsection (a) and to pay the subscription of the United States to the Bank from time to time when payments are

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7 **The "Instrumentality Rule."**

An instrument is something or somebody USED as a means of achieving a desired result or accomplishing a particular purpose. Corporations can be used for a purpose or it could be the means by which something is done. Someone could actually play a corporation like one plays a musical instrument. In such a case the corporation or corporation's actions or the USE OF THEM is USED to get something done. Corporation can be USED to exploit or manipulate. In such a case the legal purpose of the corporation was not clearly remembered, understood, nor thought out. If it is clearly remembered, understood and thought out and used to exploit or manipulate it's criminal; it's fraudulent.

The "Instrumentality Rule" or "Alter Ego" rule states that when a corporation is so dominated by another corporation or persons that the subservient corporation becomes a mere instrument and is really indistinct from controlling corporation or controlling persons, then the corporate veil of dominated corporation will be disregarded, if to retain its results in injustice. See **National Bond Finance Co. versus General Motors Corp., D.C.Mo., 238 F. Supp. 248, 255.**

Under this rule, corporate existence will be disregarded where a corporation (subsidiary) is so organized and controlled and its affairs so conducted as to made it only an adjunct and instrumentality of another corporation (parent corporation) or persons, and parent corporation or persons will be responsible for the obligations of its subsidiary. See **Taylor versus Standard Gas & Electric Co., C.C.A.Okl., 96 F. 2d 693, 704.**

8 **Foreign.** That which belongs to another country; that which is strange. 1 Peters, R. 343.

2. Every nation is foreign to all the rest, and the several states of the American Union are foreign to each other, with respect to their municipal laws. 2 Wash. R. 282; 4 Conn. 517; 6 Conn. 480; 2 Wend. 411 1 Dall. 458, 463 6 Binn. 321; 12 S. & R. 203; 2 Hill R. 319 1 D. Chipm. 303 7 Monroe, 585 5 Leigh, 471; 3 Pick. 293.

3. But the reciprocal relations between the national government and the several states composing the United States are not considered as foreign, but domestic. 9 Pet. 607; 5 Pet. 398; 6 Pet. 317; 4 Cranch, 384; 4 Gill & John. 1, 63. Vide Attachment, for foreign attachment; Bill of exchange, for foreign bills of exchange; Foreign Coins; Foreign Judgment; Foreign Laws; Foreigners. **Bouvier's Law Dictionary, 1856 edition.**

required to be made to the Bank. For the purpose of making these payments, the Secretary of the Treasury is authorized to use as a public-debt transaction $8,675,000,000 of the proceeds of any securities hereafter issued under chapter 31 of title 31, and the purposes for which securities may be issued under that chapter are extended to include such purpose. ***Payment under this paragraph of the subscription of the United States to the Fund or the Bank and repayments thereof shall be treated as public-debt transactions of the United States.*** For the purpose of keeping to a minimum the cost to the United States of participation in the Fund and the Bank, the Secretary of the Treasury, after paying the subscription of the United States to the Fund, and any part of the subscription of the United States to the Bank required to be made under article II, section 7(i), of the Articles of Agreement of the Bank, is authorized and directed to issue special notes of the United States from time to time at par and to deliver such notes to the Fund and the Bank in exchange for dollars to the extent permitted by the respective Articles of Agreement. The special notes provided for in this paragraph shall be issued under the authority and subject to the provisions of chapter 31 of title 31, and the purposes for which securities may be issued under that chapter are extended to include the purposes for which special notes are authorized and directed to be issued under this paragraph, but such notes shall bear no interest, shall be nonnegotiable, and shall be payable on demand of the Fund or the Bank, as the case may be. ***The face amount of special notes issued to the Fund under the authority of this paragraph and outstanding at any one time shall not exceed in the aggregate the amount of the subscription of the United States actually paid to the Fund and the dollar equivalent of currencies and gold which the United States shall have purchased from the Fund in accordance with the Articles of Agreement, and the face amount of such notes issue to the Bank and outstanding at any one time shall not exceed in the aggregate the amount of the subscription of the United States actually paid to the Bank under article II, section 7(i) of the Articles of Agreement of the Bank.*** Any payment made to the United States by the Fund or the Bank as a distribution of net income shall be covered into the Treasury as a miscellaneous receipt.

Federal Employees Are Tax Collectors
Tax And Loan Accounts

¶56. Fact-5. Anyone with a Social Security Number is a federal employee and a tax collector, who ***CANNOT*** hold a State Office.

¶57. **Fact-6.** ***Once the former Sovereigns entered into these organizations then they operate under and according to it's charter***. *It's liable to them under the public policy. A corporation has* ***NO*** *rights. It has* ***NO*** *rights it has privileges by it's charter but it has* ***NO*** *inalienable rights.* ***It's an artificial entity and any privileges it has, has to come by statute and by its charter and that only***. *And so,* ***when you deal with an artificial entity you deal according to its charter***. *It actually only has privileges.* ***It actually DOES NOT have a right to due process per se. IT IS PURELY ADMINISTRATIVE,*** *operating seizures. And ALL these "citizens of the United States", who signed up, for these wonderful little benefits and entitlements like Social Security and Federal Tax Numbers BECAME* ***TAX*** [9] ***COLLECTORS***. *And when the tax collector has a* ***DUE OWING*** *they can come in and* ***seize*** *him and his property. So, what Congress in Washington D.C. and the boys did is they went outside the country went out on the ocean and formed an international organization brought it back in and placed it in N.Y., N.Y. and then claim that it was sovereign over all the law and the Constitutions of the United States and for the several states and then just went about doing what they were told* ***NOT*** *to do, which was violate Article 1 Section 10: No state shall ....*

> **"No state shall make any thing but gold and silver coin a *tender* in *payment* of debts."**
>
> *See:* [10] ***Legal tender.***

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9 **Collector.** One appointed or authorized to receive taxes or other impositions, as: collector of taxes, collector of customs, etc. A person appointed by a private person to collect the debts due him. **Black's Law Dictionary, 5th edition, page 239.**

10 **Uniform Commercial Code §3-603. Tender of Payment.**
(a) If tender of payment of an obligation to pay an instrument is made to a person entitled to enforce the instrument, the effect of tender is governed by principles of law applicable to tender of payment under a simple contract.
(b) If tender of payment of an obligation to pay an instrument is made to a person entitled to enforce the instrument and the tender is refused, there is discharge, to the extent of the amount of the tender, of the obligation of an indorser or accommodation party having a right of recourse with respect to

¶58. **Fact-7.** ***When you want to deal in these corporations you deal in INTERNATIONAL COMMERCE. what you end up with is if you go back and check a lot of these INTERSTATE and INTERNATIONAL CORPORATIONS AND ORGANIZATIONS to see if they have a*** [11] ***CERTIFICATE OF AUTHORITY TO DO BUSINESS IN THE STATE THEY DON'T HAVE ONE. It's not on file in the Secretary of State's Office. Most states have laws and have retained the right to preclude them [interstate and international corporations] from commencing or maintaining an action in the state courts for failure to obtain that certificate of authority banks included. They have to file their corporate charter with the Secretary of State's Office to obtain the*** [12] ***certificate of incorporation by the state. They have to have a registered agent a registered office upon which service of process can be had. Fact, government cannot confer the power that "We The People" delegated to the***

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the obligation to which the tender relates.

(c) If tender of payment of an amount due on an instrument is made to a person entitled to enforce the instrument, the obligation of the obligor to pay interest after the due date on the amount tendered is discharged. If presentment is required with respect to an instrument and the obligor is able and ready to pay on the due date at every place of payment stated in the instrument, the obligor is deemed to have made tender of payment on the due date to the person entitled to enforce the instrument.

11 **Certificate of authority.** Document issued by state corporations authority (*e.g.* "Secretary of State) on application of foreign corporation granting such corporation right to do business in state. **Black's Law Dictionary, 5th edition page 205**

12 **Certificate of incorporation.** The basic instrument by which a corporation is formed (termed "articles of incorporation" in most states), under general corporation statutes, executed by several persons as incorporators and filed in some designated public office (*e.g.* Secretary of State) as evidence of corporate existence. Upon filing of such, corporate existence usually begins. This is properly distinguished from a "charter," which is a direct legislative grant of corporate existence and powers to named individuals. See Articles of Incorporation. **Black's Law Dictionary 5th edition, page 205**

government to any private corporation it is NOT possible. THAT WOULD BE DISSOLUTION OF THE GOVERNMENT. DO NOT come back in and say you're the government at that point in time. That is "We The People's" power they are wielding we delegated it to them and it is our duty and responsibility to make sure that they maintain that within proper grounds. AND DON'T USE IT FOR ARBITRARY, CAPRICIOUS, OR DESPOSTIC PURPOSES.

¶59. Fact-8. ***A PUBLIC CORPORATION IS PURELY OWNED BY THE GOVERNMENT.***

Social Security

¶60. Fact-9. 1935 Emergency Relief Act. The 1935 Emergency Relief Act is the basis of the Social Security System and it specifically says all those with Social Security are employees of the United States.

Juries.

¶61. Fact-10. So in that case [because all those with Social Security are employees of the U.S] they ***cannot*** sit on a jury. That's what they admitted in Michigan it was homage.

Tax And Loan Accounts.
Judges.

¶62. Fact-11. What about the judge, Does he/she have a social security number? [If so he/she is an employee of the U.S.] Does he/she receive his/her compensation from the same program [social security]? That's what the Public Law say's and that's what the Legislative History says. If a judge has a social security number then he has a direct **pecuniary interest** [13] and he/she has to **recuse** him/her self from the case. ***Now we have***

13 **Pecuniary Interest.** A direct interest related to money in an action or case as would, for example, require a judge to disqualify himself from sitting on a case if he owned stock in a corporate party.

a problem in finding a jurist from the state and district because they are all federal employees.

Jurisdiction.

¶63. Fact-12. The issue is ***personal lack of jurisdiction*** and their personal capacity to sit and hear the matter. This issue has to be raised at the trial court. This is a ***jurisdictional defect***, ***NOT*** a **subject matter** [14] defect. These are ***NO*** Article III judges

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Blacks Law Dictionary 6th edition.

Pecuniary. That which relates to money.

2. Pecuniary punishment, is one which imposes a fine on a convict; a pecuniary legacy is one which entitles the legatee to receive a sum of money, and not a specific chattel. In the ecclesiastical law, by pecuniary causes is understood such causes as arise either from the withholding ecclesiastical dues, or the doing or omitting such acts relating to the church, in consequence of which damage accrues to the plaintiff. In England these causes are cognizable in the ecclesiastical courts. **Bouviers Law Dictionary 1856 edition.**

14 **Subject-matter.** The subject, or matter presented for consideration; the thin in dispute; the right which one party claims as against the other, as the right to divorce; of ejectment; to recover money; to have foreclosure. Nature of cause of action, and of relief sought. In trusts, the res or the things themselves which are held in trust. Rstatement, Second, Trusts, section 2. **Blacks Law Dictionary 6th edition.**

Subject matter jurdistiction. Term refers to court's power to hear and determine cases of the general class or category to which proceedings in question belong; the power to deal with the general subject involved in the action. See also ***Jurisdiction*** of the ***subject matter***. **Blacks Law Dictionary 6th edition.**

(**Hatter case**) with oaths they are **magistrate judges** [15] without oaths. Who enters the judgment the judge or the jury? **If the judge entered the judgment did he/she have a direct pecuniary interest in the case?** If he did he is ***bias*** and ***prejudice*** and has ***NO*** ability to rule on the facts of the case. ***These judges do NOT have a delegated authority from the Secretary of Treasury.***

Secretary of Treasury of the IMF and World Bank
Withholds Income Tax From State Employees.

Jurisdiction of the subject matter. Power of a particular court to hear the type of case that is then before it. Term refers to ***jurisdiction*** of court over class of cases to which particular case belongs, Ferree versus Ferree, 285 Ky. 825, 149 S.W.2d 719, 721; ***jurisdiction over the nature of cause of action*** and relief sought, Mid-City Bank & Trust Co. versus Myers, 343 Pa. 465, 23 A.2d 420, 423; or the amount for which a court of ***limited jurisdiction*** is authorized to enter judgment.

A court is without authority to adjudicate a matter over which it has no ***jurisdiction*** even though the court possesses ***jurisdiction*** over the parties to the litigation; e.g. a court of ***limited criminal jurisdiction*** has no power to try a murder indictment and its judgment therein would be void and of no effect because it lacks ***subject matter jurisdiction***. **Blacks Law Dictionary 6th edition.**

Subject-Matter. The cause, the object, the thing in dispute.

2. It is a fatal objection to the ***jurisdiction*** of the court when it has not cognizance of the subject-matter of the action; as, if a cause exclusively of ***admiralty jurisdiction*** were brought in a court of common law, or a criminal proceeding in a court having ***jurisdiction*** of civil cases only. In such case, neither ***a plea to the jurisdiction***, nor any other plea would be required to ***oust the court of jurisdiction***. The cause might be dismissed upon motion, by the court, ex officio. **Bouviers Law Dictionary 1856 edition.**

15 **Magistrate.** A public civil officer, possessing such power-legislative, executive, or judicial-as the government appoining him may ordain. In a narrower sense, an inferiour judicial officer, such as a

¶64. Fact-13. Income tax is withheld from state employees by the Secretary of Treasury of the IMF and World Bank. Each issue should be laid out in a ***protest motion*** if the issues are denied appealed up to a higher court.

1933 Securities Act [16]

¶65. Fact-14. They have excluded themselves from securities fraud.

Article III Judges

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justice of the peace.

U.S. (Federal Magistrates. A judicial officer, appointed by judges of federal district courts, having many but not all of the powers of a judge. 28 U.S.C.A. sections 631-639. Generally exercising duties formerly performed by U.S. Commissioners, magistrates may be designated to hear a wide variety of motions and other pretrial matters in both criiminal and civil cases. With the consent of the parties, they may consuct civil or misdemeanor criminal trials. However, magistrates may not preside over felony trials or over jury selection in felony cases.

For Chief magistrate; Committing magistrate; Police magistrate; and Stipendiary magistrates, see those titles. **Blacks Law Dictionary 6th edition.**

Magistracy, municipal law. In its most enlarged signification, this term includes all officers, legislative, executive, and judicial. For example, in most of the state constitutions will be found this provision; "the powers of the government are divided into three distinct departments, and each of these is confided to a separate magistracy, to wit: those which are legislative, to one; those which are executive, to another; and those which are judiciary, to another." In a more confined sense, it signifies the body of officers
whose duty it is to put the laws in force; as, judges, justices of the peace, and the like. In a still narrower sense it is employed to designate the body of justices of peace. It is also used for the office of a magistrate.

Magistrate, municipal law. A public civil officer, invested with some part of the legislative, executive, or judicial power given by the constitution. In a narrower sense this term includes only inferior judicial officers, as justices of the peace.

2. The president of the United States is the chief magistrate of this nation; the governors are the chief magistrates of their respective states.

3. It is the duty of all magistrates to exercise the power, vested in them for the good of the people, according to law, and with zeal and fidelity. A neglect on the part of a magistrate to exercise the

Hatter et.all. versus U.S. 1992 Case.
953 Fed 2nd 626.

¶66. Fact-15. Case involved claim that magistrate judges were not Article III Judges, because of the reductions in pay for Social Security. They were operating ***Emergency Tribunals*** [Emergency Court of Appeals [17]].

Principles of War - Regarding Contract Between Belligerents

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functions of his office, when required by law, is a misdemeanor. **Bouviers Law Dictionary 1856 edition.**

Judge. A public officer, lawfully appointed to decide litigated questions according to law. This, in its most extensive sense, includes all officers who are appointed to decide such questions, and not only judges properly so called, but also justices of the peace, and jurors, who are judges of the facts in issue. See 4 Dall. 229; 3 Yeates, IR. 300. In a more limited sense, the term judge signifies an officer who is so named in his commission, and who presides in some court.

2. Judges are appointed or elected, in a variety of ways, in the United States they are appointed by the president, by and with the consent of the senate; in some of the states they are appointed by the governor, the governor and senate, or by the legislature. In the United States, and some of the states, they hold their offices during good behaviour; in others, as in New York, during, good behaviour, or until they shall attain a certain age and in others for a limited term of years.

3. Impartiality is the first duty of a judge; before he gives an opinion, or sits in judgment in a cause, he ought to be certain that he has no bias for or against either of the parties; and if he has any (the slightest) interest in the cause, he is disqualified from sitting as judge; aliquis non debet esse judex in propria causa; and when he is aware of such interest, he ought himself to refuse to sit on the case. It seems it is discretionary with him whether he will sit in a cause in which he has been of counsel. But the delicacy which characterizes the judges in this country, generally, forbids their sitting in such a cause.

4. He must not only be impartial, but he must follow and enforce the law, whether good or bad. He is bound to declare what the law is, and not to make it; he is not an arbitrator, but an interpreter of the law. It is his duty to be patient in the investigation of the case, careful in considering it, and firm in his judgment. He ought, according to Cicero, "never to lose sight that he is a man, and that he cannot exceed the power given him by his commission; that not only power, but public confidence has been given to him; that he ought always seriously to attend not to his wishes but to the requisitions of law, of justice and religion." Cic. pro. Cluentius. A curious case of judicial casuistry is stated by Aulus Gellius Att. Noct. lib: 14, cap. 2, which may be interesting to the reader.

5. While acting within the bounds of his ***jurisdiction***, the judge is not responsible for any error of judgment, nor mistake he may commit as a judge. When he acts ***corruptly***, he may be impeached.

6. ***A judge is not competent as a witness in a cause trying before him, for this, among other reasons, that he can hardly be deemed capable of impartially deciding on the admissibility of his***

Hall versus Coppell Case.

¶67. Fact-16. The instruction given to the jury that if the contract was illegal the illegality had been waived by re-conventional demand of the defendants was founded upon a misconception of the law. In such case there can be no waiver, the defense is allowed not for the sake of the defendant but of the law itself. The principle is indispensable to the purity of its administration. It will not enforce it, what it has

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own testimony, or of weighing. it against that of another. I, where will be found an abstract of various decisions relating to the appointment and powers of judges in different states. Vide Equality; Incompetency.; **Bouviers Law Dictionary 1856 edition.**

16 **Securities Act of 1933.** Federal law which provides for registration of securities which are to be sold to the public and for complete information as to the issuer and the stock offering. 15 U.S.C.A. section 77a et seq. See also Registration of securities; Securities Exchange Act of 1934. **Blacks Law Dictionary 6th edition.**

Securities Acts. Federal and state statutes governing the registration, offering, sale, etc. of securities. Major federal acts include the Securities Act of 1933 and the Securities Exchange Act of 1934 (q.v.). Such federal acts are administered by the Securities and Exchange Commission. The majority of the states have adopted the Uniform Securities Act. See Registration of securities. **Blacks Law Dictionary 6th edition.**

Securities and Exchange Commission. The federal agency which administers such laws as the Securities Act of 1933, the Securities Exchange Act of 1934, the Trust Indenture Act of 1939, the Public Utility Holding Company Act of 1935, the Investment Company Act of 1940. 15 U.S.C.A. section 78(d) **Blacks Law Dictionary 6th edition.**

Securities Exchange Act of 1934. A federal law which governs the operation of stock exchanges and over the counter trading. It requires, among other things, publication of information concerning

forbidden and denounced. The maxim ex dolo malo non orator actio is limited by no such qualification. The proposition to the contrary strikes us as hardly worthy of serious reputation. Whenever the illegality appears, whether the evidence comes from one side or the other, the disclosure is fatal to the case. No consent of the defendant can neutralize it's affect. A stipulation in a most solemn form to waive the objection would be tainted with the vice of the original contract and void for the same reasons, wherever the contamination reaches it destroys. **The principle** to be extracted from all the cases is, that the law will not lend it's support to a claim founded upon it's violation.

Note: This is principles of war contract between belligerents and other illegal actions and contracts. You can't consent to contract with belligerents at war, it is illegal.

Admiralty Emergency War Powers Confiscation Process
Page versus U.S. Case

¶68. Fact-17. In revenue cases as in admiralty default entered established facts averred in the liable or information and warrants a decree of condemnation. If the information contains the necessary averments.

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stocks which are listed on these exchanges. 15 U.S.C.A. section 78 et seq. See also Securities Act of 1933. **Blacks Law Dictionary 6th edition.**

Securities Investor Protection Act. Federal law which established Securities Investor Protection Corp., which, though not an agency of the U.S. Government, is designed to protect investors and help brokers and dealers in financial trouble. 15 U.S.C.A. sections 78aaa et seq. **Blacks Law Dictionary 6th edition, emphasis added.**

17 **Emergency Court of Appeals.** Courts created during World War II to review orders of the Price Control Administrator. It was abolished in 1953. This court was established again in 1970 under Section 221 of the Economic Stablization Act to handle primarily wage and price control matters. **Blacks Law Dictionary 6th edition, emphasis added**

Note: It's just like admiralty. It's fundamentally admiralty process. If you don't answer the IRS defaults you and takes the property, they confiscate the property.

¶69. Fact-18. There confiscation proceedings goes on after default in which case a trail by jury is unnecessary. Said Acts of confiscation where a legitimate exercise of War Powers and are constitutional.

Note: ***That's confiscation process***. There is another matter involved now, Admiralty process. This is the condition, it is malfunctioning. There is confusion, Admiralty is mixed with At Law and then they go over to Maritime and back over to Equity, and there's no way of separating anything. In Texas vs. White the case accuses them of trying to be chameleons. **There is no remedy that has no virtue.** The remedy as far as confiscation process according to **War Powers you go to 50 USC 9** and it tells us there's a three (3) year period after the war is undeclared. After the emergency is undeclared you go back after the property, this is why there are no final judgments now. There in an emergency situation now and there is a three (3) year statute of limitations after the emergency is undeclared to go back after the property. How can they afford to pay up on all the property that they lied, cheated, and stole to get? They did a lot of damage out there. Study the Admiralty Process to understand how to claim your property.

Subjects and Employees of
Federal Government Are Leased Out To The States.

¶70. Fact-19. Penalties and Interest on taxation are under Trading with the Enemies Act, 26 CFR 301.1-6. They declared war against the people then made everybody else there subjects and employees. ***They are taxing corporations for the use of their employees.*** That's there cut on the deal, and so the corporations comes back and gives you the form you sign the form and assume the responsibility or at least half (1/2) of the responsibility.

Armstrong versus Toller
6th Lawyers Edition page 473

K-bomb
This Declarant A.K.A. "The Truth-Bomber"
Next, Declarant Will "Drop the K-Bomb" :
Which Is Kangaroo Courts And Agencies!!!

¶103. Fact-1. See ***"The whole point of kangaroo courts was to provide a quick decision to give a facade of legality to what was in effect a mob lynching."*** by ***MARK V. TUSHNET, MAKING CIVIL RIGHTS LAW 57 (1994).*** See ***"The Downstream Consequences of Misdemeanor Pretrial Detention"*** *by* ***Paul Heaton, Sandra Mayson & Megan Stevenson,*** *69 STAN. L. REV. 711 (2017).* See ***"Managerial Justice and Mass Misdemeanors"****, by* ***Issa Kohler-Hausmann,*** *66 STAN. L. REV. 611 (2014).*

Kangaroo *Courts* And *Agencies* Defined

¶104. Fact-2. To [29] ***wreak havoc*** on society's legal system. Kangaroo courts and agencies have at least three features: ***Kangaroo courts and agencies are inferior, informal, and inequitable.***

Kangaroo Courts Create...
Confusion**, Inflict *Destruction*, *Plunder*, *Loot* and *Kill***
By Being *Shams, Corrupt, and Without Regard For The Law!!!*

¶105. Fact-3. ***The inferiority of kangaroo courts and agencies refers to*** the issue of structure and quality. These courts are considered to be ***structurally subordinate*** to traditional courts and *likely to generate substandard adjudicative outcomes*. The informal nature of kangaroo courts and agencies refers to the fact that they operate ***unofficially*** **(that is, outside the purview of the traditional legal system)** ***OR*** in a manner that is quite casual **(that is, with less intention or deliberation).** Finally, and relatedly, kangaroo courts and agency hearings are ***inequitable*****. Their reduced**

29 **What does "Wreak Havoc" mean? To *create confusion* and *inflict destruction*. *Havoc*,** which comes from the medieval word for "***plunder***," was once a ***specific command*** for ***invading troops*** to begin ***looting*** and ***killing*** in a ***conquered village***. This is what Shakespeare meant by his oft-quoted "***Cry*** '***havoc***' and let slip the dogs of war" (***Julius Caesar***, 3.1).

procedural protections and generally *degraded nature* *lead to strong likelihoods that they produce* ***unfair legal decisions.*** To provide more texture to these definitions, references to a variety of sources are instructive. **Black's Law Dictionary is most helpful. Black's Law Dictionary 9th edition** *describes the kangaroo court as*

> **1.** A self-appointed tribunal ***OR mock court*** in which the principles of law and justice are ***disregarded, perverted, OR parodied....***
> **2.** A court ***OR*** tribunal characterized by ***unauthorized OR irregular procedures***, especially so as to ***render*** a ***fair proceeding impossible***.
> **3. A *sham legal proceeding*."**[14]

¶4. Fact-4. These definitions also capture the three features of ***inferiority***, ***informality***, and ***inequity***. The online supplement to Black's Law Dictionary goes into more relevant detail.

> "*As a general rule," it explains, a kangaroo court "is any proceeding that attempts to imitate a fair trial* ***OR*** *hearing* ***without*** *the usual due process safeguards" since such "[c]onstitutional safeguards would stand in the way of a kangaroo court reaching its predetermined result.*"

¶5. Fact-5. The designation has a generally negative connotation. The supplement notes that

> "*[r]eferring to something as a kangaroo court usually carries with it a* ***negative*** *inference because of the manner in which they are conducted.*"
> *"The term's origin is uncertain, but it appears to be an Americanism. It has been traced to 1853 in the American West. '****Kangaroo****' might refer to the illogical leaps between 'facts' and conclusions,* ***OR*** *to the hapless defendant's quick bounce from court to gallows."*).

Kangaroo Courts "Acts of Justice" Are A Quick Bounce From
The Kangaroo Proceedings To The Gallows!!!

¶106. Fact-5. The definition found in West's Encyclopedia of American Law also corresponds with features of kangaroo courts (which include agency tribunals) Declarant describe above. It defines the term as meaning

> "*a proceeding and its leaders who are considered* ***sham***, ***corrupt***, *and* ***without regard for the law***."

¶107. Fact-6. In ways that are relevant to the revenue-seeking court judges at the center of the Ferguson debacle, the encyclopedia also notes that the term can be traced to the "***roving judges***" of the U.S. frontier who were

> "*paid on the basis of how many trials they conducted, and in some instances their salary* ***depended*** *on the* ***fines*** *from the* ***defendants*** *they* ***convicted***."

¶108. Fact-7. The term, West's Encyclopedia of American Law explains,

> "comes from the image of these judges hopping from place to place, ***guided less by concern for justice than by the desire to wrap up as many trials as the day allowed***."

¶109. Fact-8. This interpretation, which gestures toward the unofficial nature of these courts (which include agency tribunals), emphasizes their ***informality. Collins describes a kangaroo court as***

> ***"any tribunal in which judgment is rendered arbitrarily OR unfairly"***

¶110. Fact-9. This interpretation that points directly to the inequitable results that these courts can and do produce. Declarant's point here is ***NOT*** that ***ALL*** courts and agency tribunals are consistent with every definition of kangaroo courts, but that they entail many features that have been attributed to kangaroo courts and make the application of this metaphor plausible.

Kangaroo Courts Are Also Known As:

'Kangaroo *Ass* Courts,' 'Kangaroo *Style* Courts,' 'Kangaroo *Courtrooms*,' 'Kangaroo *Justice*,' 'Kangaroo *Form of Justice*,' 'Kangaroo *Proceedings*,' 'Kangaroo-*Like Proceedings*,' 'Kangaroo *Processes*,' 'Kangaroo *Type Court Processes*,' 'Kangaroo *Hearings*,' 'Kangaroo *Trials*,' '"Kangaroo" *Disciplinary Proceedings*,' 'Kangaroo *Kind of a Deal*,' and '*Summary Kangaroo Practices*.'

¶111. Fact-10. S*ome define kangaroo courts and agency tribunals as* either

> **"a dispute resolution forum in which either the outcome is largely shaped in advance because of *biases* of the decision-maker" *OR* "a forum in which the structure and operation of the forum result in an *inferior brand of adjudication*."**

¶112. Fact-11. Others state how litigants and judges have used the term "kangaroo court" and various synonyms as a kind of

> **"*invective to disparage the fairness of*" proceedings and critique *malfunctioning adjudication*."**

¶113. Fact-12. Like Merriam-Webster, Collins also has an entry that describes a kangaroo court as

> ***"an unauthorized, irregular court, usually disregarding normal legal procedure, as one in a frontier region."***

¶114. Fact-13. This definition connotes informality and inferiority as well as including the geographical references made in legal dictionaries. The primary examples of kangaroo court and agency tribunals include claims of ***bias*** during the ***proceedings***, ***unfair evidentiary considerations***, ***denial of counsel***, licensed or unlicensed, fettered or unfettered, ***denial of the right to be heard***, ***conflicts of interest***, and ***legal decisions animated by improper motivations***. The bottom line, these interpretations state that kangaroo courts ***lack the formality*** found in traditional courts and have fewer ***procedural protections***, which make them ***inferior tribunals***, *which* lead to ***inequitable legal outcomes***. These tribunals are ***"the lowly courts"***, which are on the bottom of the ***"Penal Pyramid"***, operating under "Public Policy" in which "***limited principles of legality get lost in the shuffle of***

informal, sloppy, and speedy case processing." of questionable legal quality under "Public Law".

These Self-Appointed Tribunal *OR* Mock Kangaroo Courts In Which The Principles Of Law And Justice Are *Disregarded* And Perverted!!! Mantra Is Denied, Denied, Denied!!!

¶115. Fact-14. *The informal nature of courts is simultaneously subtle and stunning, making it difficult to not describe these spaces as kangaroo courts. These tribunals are NOT the vigilante tribunals of the late nine-teenth or early twentieth century.*

Kangarooism Is The "Informal Localized Justice" In Kangaroo City Courts The Process Is The "Punishment"!!!

¶116. Fact-15. The informality of courts is rooted in the relatively ***casual manner*** in which they handle cases and the ***absence*** of formal strictures of adjudication. ***The Process Is the Punishment, with mock court[s] conducted for the purpose of inflicting punishment through adjudication and sentencing in a kangaroo court or agency tribunal.***

Amateur Professionals Conducting Defective Kangaroo Courts And Agency Tribunals, Are [30] "*Amateur Hour*" Proceedings!!!

¶117. Fact-16. These courts and agency tribunals, with their ***laxity*** toward ***standard adjudicative protections***, are throwbacks to an earlier century when criminal justice was meted out ***informally, off the record, by local lay justices of the peace,*** which represents a ***jurisprudential "embrace of informality" that fits within the kangaroo court description. When it comes to legal principles, it goes without saying that reduced due process protections do NOT inspire confidence in the fairness of proceedings***, which result in ***illegal OR inaccurate outcomes***.

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30 **Amateur Hour**. Something that is done ***sloppily***, ***half-assed***, ***OR*** in an ***anateaur manner***.

¶118. Fact-17. ***Kangaroo Courts and Agency Tribunals are run by interested foreign parties whose salary and occupational existence are inextricably tied to the kangaroo's economic health.***[64] When considered alongside the ***demonstrable reality*** that kangaroo courts and agency tribunals are [31] ***cash cows for their foreign principals "The Bank" and "The Fund", it is hard to envision conflict-free adjudication emanating from kangaroo courts and agencies inequality-producing nature being focused on revenue generation. Being a "Neutral Arbiter of the Law", under "Public Law" is NOT the focus. Instead, these kangaroo courts and agency tribunals "use its supposed judicial authority as the means to compel the payment of fines and fees, through force and violence, through threat, duress and coercion, that advance their foreign principals "The Bank" and "The Fund" special interests welfare under "Public Policy". The kangaroo Amateur Hour Proceedings typically violate due process and equal protection, under "Public Law"!!!***

Arizona's Courts And Society.

¶119. Fact-18. Census revenue data offers at best an indirect, partial picture of collections from municipal courts, there is direct data on actual collections for ten states, which together collected a total of nearly $2 billion.[92] Sometimes that information was consistent with census data. ***According to the Goldwater Institute, Arizona municipal courts collect $167 million in fines and fees of which cities keep about half.[93] The census similarly reports that Arizona cities receive approximately $80 million in fines and fees.*** As a result, ***Arizona***, cities get to keep about half of their municipal court collections and the rest goes to the state ***and other***

31 **What makes a cash cow?** ***A cash cow is*** a profitable product or business that brings in a steady flow of income. It may also refer to a business venture that generates more profit than it cost to acquire or create. The expression refers to the idea that something produces 'milk,' i.e., profit, long after we have recovered the cost of investment.

governments, ...Arizona, has eighty-two city courts that process about one million civil and criminal cases every year, more than half of Arizona's total judicial docket.

Fact, Arizona make further appellate review discretionary and NOT as of right. See, e.g., State versus Eby, *244 P.3d 1177, 1178–79* ***(Arizona Court of Appeals 2011) (confirming right to appeal judgment of justice court to superior court without the right to subsequent appeal to Arizona Court of Appeals, even when superior court appeal is a de novo trial). Because of close relationships between judges and law enforcement,***

> ***"many people believe somewhat cynically that it is nearly impossible to win a municipal court case involving an officer's word against a private citizen's word, NO matter how many other credible witnesses testify in the defendant's favor."***

¶120. Fact-19. See ***FLATTEN, CITY COURT: MONEY, PRESSURE AND POLITICS, ("City judges being co-opted by political forces is a long-simmering issue, both in Arizona and nationally. Put differently, state and municipal courts will often violate due process norms in similar ways, the former because they are ignoring legal mandates, the latter because they have been excused from them. The two phenomena are NOT normatively equivalent: legal mandates such as legality, neutrality, and independence perform their own expressive, legitimating work above and beyond case outcomes. They are integral to the way that we conceptualize courts and judging, and they offer dignitary and democratic respect to vulnerable defendants in principle, even when they are breached in practice. The fact that municipal courts have been formally excused from some of them thus has independent significance.***

¶121. Fact-20. As Justice Scalia once wrote:

> [Judges'] most significant roles, in our system, are to protect the individual criminal defendant against the occasional excesses of that popular will, and to preserve the checks and balances within our constitutional system that are

precisely designed to inhibit swift and complete accomplishment of that popular will.

¶122. Fact-21. Independence, transparency, and public reasoning are central to definitions of judging. The "***classical view of the judicial role,***" writes Professor Judith Resnik, is one in which

> ***"judges are <u>NOT</u> supposed to have an involvement <u>OR</u> interest in the controversies they adjudicate."***[310]

¶123. Fact-22. See **Judith Resnik, *Managerial Judges*, 96 HARV. L. REV. 374, 376 (1982)(*contrasting the classical hands-off judicial ideal with the realities of managerial judging*).**

¶124. Fact-23. Resnik and Professor Dennis Curtis write that

> ***"to judge is to 'speak[] truth to power,' to seek to hold and, on occasion, to exercise some form of jurisdiction beyond that given by <u>OR</u> belonging to the sovereign, so as to have a measure of critical independence from the sovereign."***[312]

¶125. Fact-24. See Dennis E. Curtis & Judith Resnik, Essay, ***Images of Justice***, 96 YALE L.J. 1727, 1739 (1987) (alteration in original) (footnote omitted) (quoting Robert M. Cover, ***The Folktales of Justice: Tales of Jurisdiction***, 14 CAP. U. L. REV. 179, 190 (1985)) (***describing Professor Robert Cover's work on judicial independence***).

¶126. Fact-25. In these analyses, adjudication has public dimensions; the role of the court is ***<u>NOT</u>*** merely one of dispute resolution, but of public law preservation. ***<u>OR</u>*** as Professor Owen Fiss put it,

> ***"[a]djudication is the social process by which judges give meaning to our public values."***[314]

¶127. Fact-26. See Judith Resnik, ***Uncovering, Disclosing, and Discovering How the Public Dimensions of Court-Based Processes Are at Risk***, 81 CHI.-KENT L. REV. 521, 530 (2006) (***describing the public dimensions of adjudication and quoting Jeremy Bentham as saying "[p]ublicity is the very soul of justice"***). See Owen M. Fiss, ***The Supreme Court, 1978 Term—Foreword: The Forms of Justice***, 93 HARV. L. REV. 1, 2 (1979).

¶128. Fact-27. Perhaps unsurprisingly, Resnik treats Ferguson as a prime example of court failure, an object lesson regarding the need for judicial independence. Writing in 2017, she says of the Ferguson court's crass revenue maximization:

> ***"[W]e are being given a lesson in the value of independent judges, protected from the wrath of public and private actors and obliged to treat disputants in an equal and dignified manner."***

¶129. vFact-28. See Judith Resnik, ***Lawyers' Ethics Beyond the Vanishing Trial: Unrepresented Claimants, De Facto Aggregations, Arbitration Mandates, and Privatized Processes***, 85 FORDHAM L. REV. 1899, 1942 (2017); *see also* Judith Resnik, ***Diffusing Disputes: The Public in the Private of Arbitration, the Private in Courts, and the Erasure of Rights***, 124 YALE L.J. 2804, 2816, 2834 (2015) (***arguing the court failure in Ferguson "ma[de] vivid the disjuncture between government-empowered judges and just systems,***" *id.* at 2816).

¶130. Fact-29. The unfairness and inequality of kangaroo courts have been critiqued in ***Arizona*** and other jurisdictions. ***The available information about Arizona courts prove that they are kangaroo courts that fuel mass incarceration for profit and gain of private interests. What MUST be done in this Declarant's point of view??? First, scholars MUST pay attention to the DETAILS, by*** [32] ***scrutinizing the bottom of the***

32 From **West's Encyclopedia of American Law, edition 2. Strict scrutiny.** *A standard of* **Judicial Review** *for a challenged* ***POLICY*** *in which the court presumes the* ***POLICY*** *to be invalid unless the government can demonstrate a compelling interest to justify the policy.*

penal pyramid, which hubs around "penal statutes", which is the product of kangaroo courts and agency tribunals in Arizona for mass incarcerations, court costs, fines, fees, restitution, probation profit motives, etc. Pay attention to the most [33] ***egregious constitutional violations occuring typically in Arizona's Kangaroo Courts where flagrant informality is tolerated by courts and legislatures. It is up to scholars — at***

The strict scrutiny standard of judicial review is based on the equal protection clause of the Fourteenth Amendment. Federal courts use strict scrutiny to determine whether certain types of government ***POLICIES*** are constitutional. The U.S. Supreme Court has applied this standard to laws or policies that impinge on a right explicitly protected by the U.S. Constitution, such as the right to vote. The Court has also identified certain rights that it deems to be ***fundamental rights***, even though they are ***NOT*** enumerated in the Constitution.

The strict scrutiny standard is one of three employed by the courts in reviewing laws and government policies. The ***rational basis test*** is the lowest form of judicial scrutiny. It is used in cases where a plaintiff alleges that the legislature has made an **Arbitrary** or ***irrational decision***. When employed, the ***Rational Basis Test*** usually results in a court upholding the constitutionality of the law, because the test gives great deference to the legislative branch. The ***heightened scrutiny test*** is used in cases involving matters of discrimination based on sex. As articulated in ***Craig versus Boren***, 429 U.S. 190, 97 S. Ct. 451,50 L. Ed. 2D 39 (1976), "classifications by gender ***MUST*** serve ***important*** governmental objectives and ***MUST be substantially related*** to the achievement of those objectives."

Strict scrutiny is the most rigorous form of judicial review. The Supreme Court has identified the right to vote, the right to travel, and the right to privacy as ***fundamental rights*** worthy of protection by strict scrutiny. In addition, laws and ***POLICIES*** that discriminate on the basis of race are categorized as ***suspect classifications*** that are presumptively impermissible and subject to strict scrutiny.

Once a court determines that strict scrutiny ***MUST*** be applied, it is presumed that the law ***OR POLICY*** is unconstitutional. The government has the burden of proving that its challenged policy is constitutional. To withstand strict scrutiny, the government ***MUST*** show that its ***POLICY*** is ***necessary*** to achieve a ***compelling state interest***. If this is proved, the state ***MUST*** then demonstrate that the legislation is narrowly tailored to achieve the intended result.

The case of ***Roe versus Wade***, 410 U.S. 113, 93 S. Ct. 705, 35 L. Ed. 2D 147 (1973), which invalidated state laws that prohibited **Abortion,** illustrates the application of strict scrutiny. The Court held that the right to privacy is a ***fundamental right*** and that this right "***is broad enough to encompass a woman's decision whether or NOT to terminate her pregnancy.***" Based on these grounds, the Court applied strict scrutiny. The state of Texas sought to proscribe ***ALL*** abortions and claimed a compelling ***State Interest*** in protecting unborn human life. Though the Court acknowledged that this was a legitimate interest, it held that the interest does ***NOT*** become compelling until that point in pregnancy when the fetus becomes "***viable***" (capable of "***meaningful life outside the mother's womb***"). The Court held that a state may prohibit abortion after the point of viability, ***EXCEPT*** in cases where abortion is ***NECESSARY*** to preserve the life or health of the

least those who have political commitments to addressing legal inequality in their work to unearth these peculiar kangaroo courts and agency tribunals.

¶131. ***Fact*, criminal** legal scholars have focused in particular on the heightened need for ***judicial independence***. Professor Rachel Barkow, for example, ***argues that the institutional values protected by separation of powers are threatened by near unilateral prosecutorial control over case outcomes in derogation of independent judicial authority.*** See Barkow, *supra note* 270, at 1025, 1046–48:

> ("***The same prosecutor who investigates a case can make the final determination about what plea to accept. There is therefore NO structural separation of adjudicative and executive power...***" *Id.* at 1025.). ***Barkow's call for a strong judiciary is primarily a response to the scope of federal prosecution, but state and municipal prosecutorial powers are similarly broad.*** See Rachel E. Barkow, ***Federalism and Criminal Law: What the Feds Can Learn from the States***, 109 MICH. L. REV. 519, 538 (2011) ("***[S]tate-level prosecutors are more independent than their federal counterparts.***").

¶132. Fact-30. ***Others emphasize the importance of a fair and impartial judiciary in promoting procedural justice and the public legitimacy of the criminal process. See, e.g., Tracey L. Meares & Tom R. Tyler, Justice Sotomayor and the Jurisprudence of Procedural Justice, 123 YALE L.J.F. 525, 526–27 (2014)***

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mother, but the Texas law was ***NOT*** narrowly tailored to achieve this objective. Therefore, the state did ***NOT*** meet its Burden of Proof and the law was held ***unconstitutional***.

33 From USLegal. ***Egregious cases are*** cases involving flagrant violation of human rights. The following are examples of case law on egregious cases: ***In an egregious case*** the ***prosecution stubbornly refuses*** to file a motion despite ***overwhelming evidence*** that the accuser's assistance has been as substantial as to cry out for ***meaningful relief***. Such cases should be rare because there are ***significant institutional incentives*** for the ***prosecution*** to exercise sound judgment and to act in ***good faith***. [***United States versus Burkhalter***, 1991 U.S. App. LEXIS 29282 (10th Cir. 1991)].

An egregious case arises when the defendant clearly has provided substantial and valuable assistance, but the Government has ***arbitrarily*** and in ***bad faith refused*** to make a motion for departure. [***United States versus Martinez***, 1995 U.S. Dist. LEXIS 6033 (D. Cal. 1995)].

("[T]he primary factor that people consider when they are deciding whether they feel a decision is legitimate and ought to be accepted is whether or NOT they believe that the authorities involved made their decision through a fair procedure, irrespective of whether members of the public are evaluating decisions made by the Supreme Court OR by local courts.").

¶133. Fact-31. How does ***Arizona*** get back to the basics of ***fairness*** and ***equality*** in the courts?

Have The Sheriff's In Every County of Arizona Sponsor a "Private Common Law Schools" As A Public Service To "We The People." There Is Such A Private Law School In Sedona Called "Shine Shire Private Law School"

¶134. Fact-32. The legal academics *MUST* inject conversations about these kangaroo courts and agency tribunals into their classrooms and teaching. ***There are growing calls for a reimagination of how mass incarceration is discussed in law schools.*** **Professor Alice Ristroph has argued that the teaching of substantive criminal law in law schools has played a role in *mass incarceration*.** *See* Alice Ristroph, Essay, ***The Curriculum of the [34] Carceral State,*** 120 COLUM. L. REV. 1631, 1635–36 (2020). ***Taken as a whole, critiques suggest that law professors are NOT rendering the most accurate picture of how our criminal justice system operates.*** This failure has meaning for the scores of students who will graduate every year — some of whom will go on to be clerks, prosecutors, defense attorneys, and government bureaucrats — but be potentially oblivious to a corner of the criminal justice system.

¶135. Fact-33. The bottom line, pay attention to details by getting back to being ***ardent enforcers of constitutional criminal procedure in traditional courts in Arizona.***

The Federal Administrate "STATES", Spelled In ALL Caps,

34 In the Merriam-Webster dictionary, "***carceral***" is defined as "***of, relating to, OR suggesting a jail or prison***" (Webster). However, the ***carceral system*** has been extended outside of physical prison walls and into minoritized communities in the form of ***predictive policing***.

Such As The "STATE OF ARIZONA" Have "Executive Branch Adjudicators" Preside Over "Hearings"!!!

¶136. Fact-34. ***NOT ALL adjudicators purport to be judicial.***[331] ***The federal administrative state employs*** several thousand ***executive branch adjudicators*** who preside over hundreds of thousands of hearings every year;[332] ***state ADMINISTRATIVE AGENCIES*** employ many thousands more.[333]

> **331** Nelson, *supra note* 273, at 599 (arguing that ***NOT*** all adjudication qualifies as "***judicial***" and describing historical distinction between the ***adjudication of public interests and private rights and liberties***, only the latter of which ***requires true judicial authority***).
> **332** Kent Barnett, ***Against Administrative Judges***, 49 U.C. DAVIS L. REV. 1643, 1652 (2016) (***identifying approximately 1,500 federal administrative law judges (ALJs) and 3,000 federal administrative judges (AJs)***).
> **333** Chris Guthrie et al., ***The "Hidden Judiciary": An Empirical Examination of Executive Branch Justice***, 58 DUKE L.J. 1477, 1478 (2009) (***documenting 14,100 state and federal ALJs***).

¶137. Fact-35. Although ***municipalities are NOT ADMINISTRATIVE AGENCIES,***[334] the ***judges*** in their courts bear strong family resemblances to these ***ADMINISTRATIVE law judges (ALJs)***: they too are adjudicative officials paid by, often selected by, and/***OR*** beholden to executive ***OR*** legislative officials who rely on them to enforce local codes, in much the same way that ***AGENCIES*** maintain ALJs in order to enforce ***AGENCY*** regulations.[335]

> **334** See David J. Barron, ***ThePromise of Cooley's City: Traces of Local Constitutionalism***, 147 U. PA. L. REV. 487, 563–64 (1999) (***"A local community is NOT simply a type of state administrative agency to be shaped at will to serve the need of the central state."***). ***The Model State Administrative Procedure Act also excludes "the Judiciary" from its definition of "Agency." Revised Model State Administrative Procedure Act §102(3)*** (***National Conference of Commissions of on Uniform State Laws. 2010***).

335 ***NOT*** withstanding these similarities, municipal governance has generally escaped the attention of ***administrative law*** scholarship. See Aaron Saiger, ***Local Government as a Choice of Agency Form***, 77 OHIO ST. L.J. 423, 424–25 (2016) (***noting that local government scholars maintain they are NOT doing administrative law***). A few scholars have pushed back against this disciplinary state of affairs. *See, e.g.,* Davidson, *supra note* 197, at 564, 572 (***arguing that administrative law scholarship should turn its attention to local administrative entities such as health and zoning boards***); Saiger, *supra*, at 425 (***proposing that a state's decision to create a local government should be conceptualized as a choice of agency form***).

¶138. Fact-36. More specifically, the independence and neutrality challenges surrounding municipal courts strongly resemble ***issues of INDEPENDENT agency adjudication*** that have been thoroughly ***excavated*** in the ***ADMINISTRATIVE*** law context. Indeed, a ***ADMINISTRATIVE*** law routinely relies on ***Ward versus Village of Monroeville*** in order to ***evaluate adjudicator conflicts,***[336] ***and scholars have noted the strong similarities between the two fields.***[337]

336 *E.g.,* ***Gibson versus Berryhill***, 411 U.S. 564, 579 (1973) (***citing Ward in finding that an optometry board was biased and noting that "[m]ost of the law concerning disqualification because of interest applies with equal force to... administrative adjudicators"*** (alteration and omission in original) (***quoting KENNETH CULP DAVIS, ADMINISTRATIVE LAW: CASES, TEXT, PROBLEMS 225 (1960)***)); ***Schweiker versus McClure***, 456 U.S. 188, 195–96 (1982) (***finding NO disqualifying bias under Ward with respect to Medicare Part B hearing officers appointed by private insurance carriers who "serve in a*** [35] ***quasi-judicial capacity, similar in many respects to that of administrative law judges,***" *id.* at 195); *cf.* ***Giles versus City of***

35 **From USLegal:** *Quasi-criminal refers to* treating an act in a civil case as if it were occuring in a criminal proceeding. It is a court's right to punish for actions or omissions as if they were criminal. For example, a person may be held in contempt of court for a civil matter, such as divorce, and be given a criminal punishment of serving jail time.
From West's Encyclopedia of American Law, Edition2: Latin,Almost as it were; as if; analogous to.*] In the legal sense, the term denotes that one subject has certain characteristics in common with another subject but that intrinsic and material differences exist between them.*
A Quasi Contract ***is*** an obligation invoked by law in the absence of an agreement. Its purpose is to create a legal duty where, in fact, ***NO*** promise ***OR*** agreement was entered into by the parties.

Prattville, 556 F. Supp. 612, 616 (M.D. Ala. 1983) (***deciding that municipal court judge could NOT constitutionally serve simultaneously as prosecutor in his own court based in part on Administrative Procedure Act case that found "unfairness of a procedure that commingled the prosecutorial function of the presiding inspector with his decision making function***").
337 Redish & McCall, *supra note* 245, at 319 (***"Like the Mayors in Tumey and Ward, agency commissioners occupy two different positions, one partisan and one judicial."***); *see also* Saiger, *supra note* 335, at 439–40 (***noting in passing that local courts enforce municipal ordinances in the same way that agencies enforce their own regulations***); Newton et al., *supra* note 5, at 45 (***"As organized, Utah justice courts essentially operate as an administrative agency."***).

The Federal "Administrative Procedure Act"
5 U.S.C. §§551, 553–559, 701–706.

¶139. Fact-37. Municipal courts could benefit from the conversation around ***ADMINISTRATIVE adjudication***. ***ADMINISTRATIVE*** law has long ***grappled*** with the ***structural risks of bias and undue influence triggered by AGENCIES that select and influence their own adjudicators***.[338] Fueled by concerns about ALJ bias and ***AGENCY*** interference with adjudication, a large body of law has arisen to emphasize the importance of adjudicator insulation against agency control.[339] ***The federal Administrative Procedure Act***[340] (APA), for example, contains strong protections for ALJ independence against ***AGENCY*** influence.

The Federal "Administrative Procedure Act"
***5 U.S.C.* §554(d)(2).**

¶140. Fact-38. Those protections include limitations on ***AGENCY*** supervision and removal of ALJs, and prohibitions against ALJ communications with ***AGENCY*** investigators ***OR*** prosecutors.[341]

When an Administrative Agency makes rules and regulations, it is acting in a quasi-legislative capacity.

338 *See, e.g.*, Barnett, *supra note* 332, at 1648; *see also* ***Benslimane versus Gonzales***, 430 F.3d 828, 829–30 (7th Cir. 2005) (***surveying numerous examples of immigration judge bias and concluding that "the adjudication of these cases at the administrative level has fallen below the minimum standards of legal justice,"*** *id.* at 830).

339 *E.g.*, Christopher J. Walker & Melissa F. Wasserman, ***The New World of Agency Adjudication***, 107 CALIF. L. REV. 141, 151 (2019) (***"Congress has sharply limited agency control over the selection, retention, and removal of ALJs, such that ALJs enjoy strong decisional independence."***).

340 5 U.S.C. §§551, 553–559, 701–706.

341 *Id.* §554(d)(2) (***stating that ALJs may NOT "be responsible to OR subject to the supervision OR direction of an employee OR agent engaged in the performance of investigative or prosecuting functions for an agency" and that agency investigators and prosecutors may NOT "participate OR advise in the decision, recommended decision, OR agency review... except as witness OR counsel in public proceedings"***); see also ***Lucia versus SEC***, 138 S. Ct. 2044, 2060 (2018) (Breyer, J., concurring in the judgment in part and dissenting in part) (***"The substantial independence that the [APA's] removal protections provide to administrative law judges is a central part of the Act's overall scheme."***).

¶141. Fact-39. In practice, municipal judge arrangements often violate these sorts of anti-bias and anti-influence protections. For example, judges appointed by city councils often do ***NOT*** enjoy meaningful tenure ***OR*** salary security. Many such judges perceive their salaries and reappointment prospects to be contingent on their performance in collecting fines and fees.[342] Judges commonly communicate with and rely on police and prosecutors: many municipal courts depend on local prosecutors for space, resources, and legal advice, especially when those judges are ***NOT*** themselves attorneys.[343] Some judges serve as prosecutors in other jurisdictions and maintain professional relationships with law enforcement.[344] These practices suggest that ***Ward*** and the conflict cases do ***NOT*** guarantee adjudicator independence in the robust ways that separation of powers principles require for formal adjudications in the comparable ***AGENCY*** context.[345]

342 FERGUSON REPORT, *supra note*18, at 3; *see also* ***Brucker versus City of Doraville***, 391 F.Supp. 3d 1207, 1214 (N.D. Ga. 2019) (***"The more substantial the percentage of revenues, the more reasonable it is to question the impartiality of the judge. ..."***); Newton et al., *supra note* 5, at 50 (***describing pressures on municipal court judges to raise revenue***); FLATTEN, CITY COURT: MONEY, PRESSURE AND POLITICS, *supra* note 93, at 2 (***describing judicial dependence on city councils***).

343 See *supra* pages 985–1016 (describing municipal court informality).

344 Joy, *supra note* 153, at 23; *see also* Kimberly Jade Norwood, ***Recalibrating the Scales of Municipal Court Justice in Missouri: A Dissenter's View***, 51 WASH. U. J.L. & POL'Y 121, 130 (2016) (***worrying that a "defense lawyer facing a prosecutor s/he knows is his or her judge the next night in a different municipality might be more deferential to the prosecutor than zealous advocacy requires"***).

345 The APA does ***NOT*** fully resolve the ALJ impartiality question either. See Kent Barnett, Resolving the ALJ Quandary, 66 VAND. L. REV. 797, 816–20 (2013) (***summarizing debate over ALJs and how "their limited independence raises impartiality, and thus due process, concerns," id. at 816***); see also Guthrie et al., *supra* note 333, at 1480, 1520–21 (***finding that like generalist judges, ALJs make decisions based on intuitions, heuristics, and biases***).

Agency Adjudication – Administrative Law Adjudicators *CANNOT* Adjudicate Criminal Cases!!!

¶142. Fact-40. ***The AGENCY adjudication comparison is potentially useful in another way***: it highlights the special tensions that arise when municipal courts resemble a ***ADMINISTRATIVE*** adjudicators while operating in their criminal capacity. ***ADMINISTRATIVE*** law adjudicators ***DO NOT*** exercise criminal authority. Even when parent ***AGENCIES*** have the authority to define "***ADMINISTRATIVE CRIMES***," violations are adjudicated by courts, ***NOT*** by ALJs.[346] ***Indeed, most ALJs lack the authority to detain, let alone punish***.[347] This is because criminal law and its liberty deprivations trigger unique concerns: ***the executive power to punish is specially constrained by judicial checks and balances, and criminal defendants are accorded unique constitutional protection against the political branches.***[348]

346 1 WAYNE R. LAFAVE, SUBSTANTIVE CRIMINAL LAW §2.6(c) (3d ed. 2017) (***concluding that legislatures "clearly" CANNOT delegate to an administrative agency the power of adjudication OR the authority to determine guilt or innocence in individual cases***).

347 Immigration judges have the power to detain, 8 U.S.C. §1226, and Tax Court judges can punish contempt with incarceration, ***Lucia versus SEC***, 138 S. Ct. 2044, 2054 (2018).

348 ***United States versus Ward,*** 448 U.S. 242, 248 (1980) (***"The distinction between a civil penalty and a criminal penalty is of some constitutional import."***).

¶41. Fact-41. As Nelson notes,

"the authoritative adjudication of an individual's core private rights to life ***OR*** liberty plainly ***DOES*** require '***judicial***' power."[349]

349 Nelson, *supra note* 273, at 626; *see also id.*("[The] authoritative deprivation of an individual's natural rights to life or physical liberty requires fully '***judicial' determination of the individualized adjudicative facts***."); ***Hamdi versus Rumsfeld***, 542 U.S. 507, 536 (2004) (plurality opinion) (***finding that separation of powers "most assuredly envisions a role for all three branches when individual liberties are at stake"***).

¶143. Fact-42. Put differently, as long as municipal courts exercise that special criminal authority, they ***MUST*** be sufficiently judicial to do so. ***The comparison between municipal courts and ALJs is admittedly limited.*** Municipal governments are ***NOT ADMINISTRATIVE AGENCIES***.[350] ***Federal agencies*** are constrained by separation of powers in ways that ***DO NOT*** apply at the local level.[351] Federal ALJ decisions are ***NOT*** final.[352]

350 *See* ***Saiger***, *supra note* 335, at 425(***admitting that they are not***).

351 *See supra* pages 1007–10 (***discussing inapplicability of separation of powers to local governments***).

352 Lucia, 138 S. Ct. at 2054 (***describing agency review of ALJ decisions***). ***While municipal judge decisions are final, de novo review and a new trial are typically available to any defendant wishing to challenge their***

conviction. *See supra* section I.B.4, pages 1003–05 (***discussing appellate processes***). *But see* Jim Rossi, ***Final, but Often Fallible: Recognizing Problems with ALJ Finality,*** 56 ADMIN. L. REV. 53, 54 (2004) (***describing trend toward ALJ finality under state administrative regimes***).

¶144. Fact-43. ***Nevertheless, municipal courts and ALJs BOTH confront the obvious appearance of conflict and bias that arises when an adjudicator has deep institutional connections to a nonjudicial institution seeking enforcement of its own rules.*** **In the administrative law context, ALJ independence is a touchstone, a central reference point relied on by courts and scholars alike that supports the notion that executive branch adjudication can meet basic due process and legitimacy standards.** ***Ward and the municipal court conflict cases have come to play an important role in fleshing out that administrative commitment to adjudicator neutrality.*** **Ironically, many actual municipal court practices remain in deep tension with that commitment.**

Arizona 2017 Report.
"*Good-Old-Boys*" Local Elected Municipal Court Judges
Give "Special Treatment" To Influential City Insiders.

¶145. Fact-44. Several states have concluded that local appointments processes are particularly risky. A 2017 *Arizona* report found that local elections better insulate municipal court judges from "*good-old-boy*" pressures emanating from *appointment commissions*, which exert pressures

> ***"to raise revenue through fines, [to] allow questionable practices that are priorities of the [city] council, OR to give special treatment to influential city insiders."***[377]

Imposition Of Fines And Fees
And "Debtors' Prisons."

¶146. Fact-45. If there is one arena in which municipal courts have gained recognition, it is in connection with their role in ***raising local revenue through the***[36] ***IMPOSITION of fines and fees***. An enormous new wave of litigation, advocacy, and scholarship — much but ***NOT*** all of it post-Ferguson — is devoted to the problem of ***fines and fees***,[37] ***debtors' prisons, and the incentives of governments, police, and courts to use criminal law enforcement to raise money***. *See, e.g.,* Michael D. Makowsky et al.,***To Serve and***

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36 Meaning of **Imposition**. **Excessive burden**, noun. The encroachment, encumbrance, excessive demands, extraordinarily burdensome requirements, hindrances, inflictions, infringements, interferences, onus, unjust burdens and unjust requirements. ***Such as a tax***, noun. Charges, duties, excises, levies, penalties, tarrifs and tolls. **Late 14th Century definition**, "a tax, duty, tribute," from Old French imposicion "tax, duty; a fixing" (early 14th Century.), from Latin impositionem (nominative impositio) "a laying on," noun of action from past participle stem of imponere "to place upon," from assimilated form of in "into, in" (see in- (2)) + ponere "to put, place" (past participle positus; see position; this term is also a noun.). Sense of "the act of putting (something) on (something else)" is from 1590s. Meaning "an act or instance of imposing" (on someone) first recorded 1630s, a noun of action from impose, which is unrelated to the earlier word. From Dictionary of Law Terms and Legal Definitions.

37 **The Constitution of the State of Arizona. Article II. Declaration of Rights. §18. Imprisonment for debt. Section 18. There shall be no imprisonment for debt, except in cases of fraud.**
Title 28 – Judiciary and Judicial Procedure - United States Code §2007 - Imprisonment for debt.
(a) A person shall not be imprisoned for debt on a writ of execution or other process issued from a court of the United States in any State wherein imprisonment for debt has been abolished. All modifications, conditions, and restrictions upon such imprisonment provided by State law shall apply to any writ of execution or process issued from a court of the United States in accordance with the procedure applicable in such State.

Collect: The Fiscal and Racial Determinants of Law Enforcement 14–16 (Geo. Mason Univ. Working Paper in Econ., Paper No. 16-17, 2018), https://ssrn.com/abstract=2745000 [https://perma.cc/D2SC-NRKX] (***finding that drug and DUI arrests increase in counties where local governments are running deficits and where states allow police departments to retain seizure revenues, but only for Black and Hispanic, NOT White, arrests***); See Michael W. Sances & Hye Young You, ***Who Pays for Government? Descriptive Representation and Exploitative Revenue Sources***, 79 J. POL. 1090, 1093 (2017) (***showing that cities' reliance on fines and fees is connected to the size of the Black population and also mediated by the presence of Black city council representation***).

¶147. Fact-46. As Professor Beth Colgan points out:

> ***[T]he use of economic sanctions*** — ***statutory fines***, ***surcharges***, ***ADMINISTRATIVE fees***, and ***restitution*** — **has exploded in courts across the country. ...** [***This modern debtors' prison***] ***crisis has been driven in large part by a desire by lawmakers to use economic sanctions*** *as a* ***tax substitute*** *as well as a* ***form of punishment***, *leading to the creation of more and greater sanctions, and in some jurisdictions to* ***policing targeted*** *at offenses from which* ***revenue*** *can be* ***generated***.

(b) Any person arrested or imprisoned in any State on a writ of execution or other process issued from any court of the United States in a civil action shall have the same jail privileges and be governed by the same regulations as persons confined in like cases on process issued from the courts of such State. The same requirements governing discharge as are applicable in such State shall apply. Any proceedings for discharge shall be conducted before a United States magistrate judge for the judicial district wherein the defendant is held.

(June 25, 1948, ch. 646, 62 Stat. 960; Pub. L. 90–578, title IV, § 402(b)(2), Oct. 17, 1968, 82 Stat. 1118; Pub. L. 101–650, title III, § 321, Dec. 1, 1990, 104 Stat. 5117.)

¶148. Fact-47. See Beth A. Colgan, ***The Excessive Fines Clause: Challenging the Modern Debtors' Prison***, 65 UCLA L. REV. 2, 6–7, 12 (2018) (footnotes omitted); *see also* Ordower et al., *supra note* 288, at 130– 31 (2017) (***arguing that St. Louis municipal courts are improperly using fines and fees as implicit taxes***); Thomas A. Garrett & Gary A. Wagner, ***Red Ink in the Rear View Mirror: Local Fiscal Conditions and the Issuance of Traffic Tickets***, 52 J.L. & ECON. 71, 72 (2009) (***noting an increase in local ticket issuances following local revenue declines***).

¶149. Fact-48. Courts are the quiet centerpiece of this ***strategy*** — they are the site in which ***revenue-generating legislation and extractive policing*** actually ***translate into collections***. In this sense, the general conversation around municipal courts as ***local economic actors*** has implicitly begun. *See* Ordower et al., *supra note* 288, at 117–19; *see also* ***All Things Considered, North Carolina Law Makes It Harder for Judges to Waive Fees and Fines,*** NPR (Dec. 4, 2017, 4:41 PM), https://www.npr.org/2017/12/04/568393477/north-carolina-law-makes-it-harder-for-judges-to-waive-fees-and-fines [https://perma.cc/D97N-V23L] (***explaining new state law restricting judges' ability to waive fines and fees***).

¶150. Fact-49. ***This Article shows that municipal courts collect at least two billion dollars, and probably much more, in fines and fees each year.***[386] **In those thirty states that permit municipal courts, cities receive and rely on $3.1 billion in court fine-and-forfeit revenue. Although more specifics are lacking, this *basic accounting reveals* municipal courts to be central players in the redistribution of local wealth.**

Arizona Municipal Courts Fines And Fees Were $167 Million.
Half Funded General Municipal Operations.

¶151. Fact-50. ***The reference to "local governments" is actually to municipal courts*** — the quoted paragraph in the ACLU brief is devoted to documenting municipalities' heavy reliance on city court-generated revenue:

> In 2017, New Jersey municipal courts collected more than $400 million in fines and fees, with more than half of that amount ***funneled to*** the general funds of municipalities and a significant portion directed to state and county governments. ***Similarly, in 2016, more than half of the $167 million raised by Arizona municipal courts in fines and fees*** **funded** ***general municipal operations.*** Among the 100 cities in the United States that generated the highest proportion of municipal revenue from fines and fees in 2012, between 7.2% and 30.4% of total municipal revenue was derived from fine and fee collection.[394]
>
> **394** Brief of the American Civil Liberties Union, The R Street Institute, The Fines and Fees Justice Center, and The Southern Poverty Law Center as Amici Curiae in Support of Petitioners, supra note 393, at 7 (footnotes omitted).

Cities Are An Integral Part Of State Insolvency!!!
As "Regressive Tax Collectors" In "Judicial Disguise."
Redistributing Social Capital Away From We The People!!!
Cities "Policing Decisions Are Financial Burdens!!!

¶152. Fact-51. In these ways, municipal courts turn out to be important vehicles through which local governments respond to ***state fiscal crises. They can be seen as a low profile but integral part of a larger economic story about the relationship between state and local government.*** They are also local wealth redistributors in their own right, contributing to the often fraught relationship between local governments and their own disadvantaged residents. ***These courts' redistributive role is*** most obvious when they collect fines and fees from low-income residents to fund ***the criminal system***, a ***policy*** that has triggered the charge that local courts are ***regressive tax collectors in judicial disguise***.[395] ***But courts also redistribute social capital away from defendants by translating policing decisions into financial burdens. Why???***

Why "Strip We The People" Of Our "Life Resources"???
For The Benefit Of Their Private "Foreign Principals."
City Municipal Courts Are Key Players
In The Overthrow of America!!!

¶153. **Fact-52.** It is courts that ***convert*** ***arrests*** and ***prosecutions*** ***into*** ***criminal convictions***, ***collateral consequences***, ***unemployment***, ***debt***, and ***ALL*** the ***other mechanisms*** through which the criminal process ***strips*** ***people*** ***of*** ***their*** ***LIFE RESOURCES***.[396] ***Because low-level law enforcement is*** so often ***racially*** ***skewed***, municipal courts thus also contribute to and reinforce the ***racialized*** ***criminalization*** ***of poverty***.[397] These powerful economic effects make municipal courts ***key*** ***players*** in the ***localism*** ***inequality*** ***drama***.

395 *See* NATAPOFF, ***PUNISHMENT WITHOUT CRIME***, *supra note* 9, at 201–10.

396 *See id.* at 9–10, 117, 147 (arguing that the regressive redistributive influence of the misdemeanor system renders it a ***powerful*** ***socioeconomic institution*** on par with housing, education, and other welfarist policies).

397 Criminalization, for example, can reduce mobility because criminal records and debt interfere with employment and housing in ways that prevent residents from exiting the jurisdiction. Municipal court criminalization thus might weaken some localist models of accountability based on mobility. *See* Michelle Wilde Anderson, *Cities Inside Out: Race, Poverty, and Exclusion at the Urban Fringe,* 55 UCLA L. REV. 1095, 1135 (2008) (describing how public choice theories of local government rely heavily on the *exit option*: *"[T]he threat that people will 'vote with their feet' by moving in search of suitable locales serves as an inherent check on local government behavior"*); *see also* Davidson, *The Dilemma of Localism, supra note* 362, at 981 (*describing a localism "model [that] suggests that residential and other forms of mobility will serve as a sufficient check on the excesses of local government"*). I'm indebted to Michelle Wilde Anderson for this insight.

Kangaroo Courts Under Martial Law
Collecting Revenue And Attorney Fees Under Statutory Law
Which Are *NOT* Constitutional!!!

¶154. Fact-53. We now have only ***kangaroo courts and agencies at ALL levels***. ***And their only interest is in collecting as much revenue and attorney fees as possible. Because the state courts are now under martial law*, they will only hear cases of a *statutory nature*. They will *NOT* hear constitutional claims, because they are *NOT* operating under the Constitution, and a U.S. citizen *[a.k.a.* [38] *citizen of the United States]* has *NO* rights secured by "The Constitution of the United States". *The cases they DO hear, that involve supposed constitutional rights, are really about the privileges and immunities granted to 14th Amendment U.S. citizens [a.k.a. citizen of the United States].* These privileges and immunities are the same as the *Bill of Rights*, but are really the *Bill of Privileges*. But rather than admit that, and cause a *revolt*, they just look for any technicality they can find to dismiss your case, or rule against you, without addressing the constitutional issues.**

The *Bill of Rights* Are Really The *Bill of Privileges*
After Title I Starts The Statutes.

¶155. Fact-54. If we look at the ***statutes for the de facto "STATE OF ARIZONA" spelled in all upper case letters***, we will find that the Constitution, state ***OR*** federal, and the Bill of Rights, are ***NOT*** included in the statutes. The statutes start ***AFTER*** these documents with ***Title I***.

Social Security 1935 Act Passed Then
10 Social Security Districts Were Created By Congress
As Federal Territories.

¶156. Fact-55. In order for the federal government to tax your income ***directly***, ***without apportionment***, and ***without an excise tax***, ***they had to first create a contract allowing***

38 **Title 46 – Shipping. Subtitle I-General, Chapter 1-Definition §104: Citizen of the United States. §104. Citizen of the United States.**
In this title, the term **"citizen of the United States"**, when used in reference to a natural person, means an individual who is a **national of the United States** as defined in section 101(a)(22) of the Immigration and Nationality Act (Title 8 – Aliens and Nationality. U.S.C. 1101(a)(22)). (Pub. L. 109–304, §4, Oct. 6, 2006, 120 Stat. 1486.)

them to do so. If you ***agreed to the contract***, then it was legal. ***This contract is called "Social Security". When the Social Security Act was passed in 1935, Congress also created 10 Social Security Districts. The districts covered the continental United States and made them federal territories, for the purposes of social security.***

The Public Salary Tax Act of 1939
Taxes *ALL* Federal & State Employee's Income In "*Federal Areas*"
By Those Who "*Reside*" Or "*Work*" In "*Federal Areas*".

1940 Congress Passed The "*Buck Act*", Which
Allowed *Agencies* To Create "*Federal Areas*" To *Impose* The
Public Salary Tax Act of 1939.

¶157. **Fact-56.** ***In 1939, the Public Salary Tax Act of 1939*** was ***passed***. **This allowed the taxing of *ALL*** federal and state employee's incomes, and the income of anyone who ***resided*** or ***worked*** in any '***federal area***'. **But what was a federal area?** To solve that problem Congress passed [39] the ***"Buck Act"*** in 1940. This act allowed ***ANY***

39 **What is the Buck Act of 1940?** In 1940, Congress passed the "Buck Act," (4 U.S.C.S. Sections 105-113). In Section 110(e), the Act authorized ***any*** department of the federal government to create a "***Federal area***" for ***imposition*** of the ***"Public Salary Tax Act" of 1939***. This tax is ***imposed*** at 4 U.S.C.S.

department of the federal government to create a "federal area" for the [40] ***imposition*** of the [41] ***Public Salary Tax Act***.

The Public Salary Tax Act of 1939.

AN ACT

Relating to the [42] ***taxation*** *of the compensation of public officers and employees.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this act may be cited as the ***"Public Salary Tax Act of 1939"***.

TITLE I

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40 Meaning of **Imposition**. **Excessive burden**, noun. The encroachment, encumbrance, excessive demands, extraordinarily burdensome requirements, hindrances, inflictions, infringements, interferences, onus, unjust burdens and unjust requirements. ***Such as a tax***, noun. Charges, duties, excises, levies, penalties, tarrifs and tolls. **Late 14th Century definition**, "a tax, duty, tribute," from Old French imposicion "tax, duty; a fixing" (early 14th Century.), from Latin impositionem (nominative impositio) "a laying on," noun of action from past participle stem of imponere "to place upon," from assimilated form of in "into, in" (see in- (2)) + ponere "to put, place" (past participle positus; see position; this term is also a noun.). Sense of "the act of putting (something) on (something else)" is from 1590s. Meaning "an act or instance of imposing" (on someone) first recorded 1630s, a noun of action from impose, which is unrelated to the earlier word. From Dictionary of Law Terms and Legal Definitions.

41 **Public Salary Tax Act of 1939**. This was a very controversial piece of legislation, pushing the boundary of Constitutionality in an effort to ***increase tax revenues*** made ***necessary*** by the social welfare programs instituted during the 1930's.

42 "The art of taxation consists of plucking the goose so as to obtain the most feathers with the least hissing." — Jean-Baptiste Colbert.

Sec. 1. Section 22(a) *of the Internal Revenue Code (relating to the definition of* ***"gross income"****) IS AMENDED by inserting after the words* ***"compensation for personal service"*** *the following: ("including personal service as an* ***officer OR employee*** *of a* ***State, OR*** *any* ***political subdivision*** *thereof,* ***OR*** *any* ***agency*** *or* ***instrumentality*** *of any one* ***OR*** *more of the foregoing)".*

Sec. 2. Section 116(b) *of the Internal Revenue Code (exempting compensation of teachers in Alaska and Hawaii from income tax) is* ***repealed****.*

Sec. 3. Section 22(a) *of the Internal Revenue Code is amended by adding at the end thereof a new sentence to read as follows:* ***"In the case of judges of courts of the United States who took office on OR before June 6, 1932, the compensation received as such shall be included in gross income"****.*

Sec. 4. The United States hereby consents to *the taxation compensation, received after December 31, 1938, for personal service as an* ***officer OR employee of the United States, any Territory OR possession OR political subdivision thereof, the District of Columbia, OR an agency OR instrumentality of*** *one* ***OR*** *more of the foregoing, by any duly constituted taxing authority* ***having jurisdiction to tax such compensation****, if such taxation does* ***NOT discriminate against such officer OR employee*** *because of the source of such compensation.*

TITLE II

Sec. 201. *Any amount of income tax (including interest, additions to tax, and additional amounts) for any taxable year beginning prior to January 1, 1938, to the extent attributable to compensation for personal service as an* ***officer OR employee of a State, OR any political subdivision thereof, OR any agency OR instrumentality*** *of any one* ***OR*** *more of the foregoing -*

(a) *shall* ***NOT*** *be assessed, and* ***NO*** *proceeding in court for the collection thereof shall be begun* ***OR*** *prosecuted (unless pursuant to an assessment made prior to January 1, 1939);*

(b) *if assessed after December 31, 1938, the assessment shall be abated, and any amount collected in pursuance of such assessment shall be credited* ***OR*** *refunded in the same manner as in the case of an income tax erroneously collected; and*

(c) *shall, if collected on* ***OR*** *before the date of the enactment of this Act, be credited* ***OR*** *refunded in the same manner as in the case of an income tax erroneously collected, in the following cases -*

*(1) Where a claim for refund of such amount was filed before January 19, 1939, and was **NOT** disallowed on **OR** before the date of the enactment of this Act;*

*(2) Where such claim was so filed but has been disallowed and the time for beginning suit with respect thereto has **NOT** expired on the date of the enactment of this Act;*

(3) Where a suit for the recovery of such amount is pending on the date of the enactment of this Act; and

*(4) Where a petition to the Board of Tax Appeals has been filed with respect to such amount and the Board's decision has **NOT** become final before the date of the enactment of this Act.*

***Sec. 202.** In the case of any taxable year beginning after December 31, 1937, and before January 1, 1939, **compensation for personal service as an officer OR employee of a State, OR any political subdivision thereof, OR any agency OR instrumentality** of any one **OR** more of the foregoing, shall **NOT** be included in the gross income of any individual under Title I of the Revenue Act of 1938 and shall be exempt from taxation under such title, if such individual either -*

*(a) did **NOT** include in his return for a taxable year beginning after December 31, 1936, and before January 1, 1938, **any amount as compensation for personal service as an officer OR employee of a State, OR any political subdivision thereof, OR any agency OR instrumentality** of any one **OR** more of the foregoing; **OR***

*(b) did include any such amount in such return, but is entitled under section 201 of this Act to have the tax attributable thereto credited **OR** refunded.*

Sec. 203.** Any amount of income tax (including interest, additions to tax, and additional amounts) collected on, before, **OR** after the date of the enactment of this Act for any taxable year beginning prior to January 1, 1939, **to the extent attributable to compensation for personal service as an officer OR employee of a State, OR any political subdivision thereof, OR any agency OR instrumentality** of any one **OR** more of the foregoing, shall be credited **OR** refunded in the same manner as in the case of an income tax erroneously collected, if claim for refund with respect thereto is filed after January 18, 1939, and the **Commissioner of Internal Revenue**, under regulations prescribed by him with the approval of the **Secretary of the Treasury**, finds that disallowance of such claim would result in the application of the doctrines in the cases of **Helvering against Therrell** (303 U.S. 218), **Helvering against Gerhardt** (304 U.S. 405), and **Graves et. al.

against New York ex rel O'Keefe, *decided March 27, 1939, extending the classes of officers and employees subject to Federal taxation.*

Sec. 204. *Neither section 201* ***NOR*** *section 203 shall apply in any case where the claim for refund,* ***OR*** *the institution of the suit,* ***OR*** *the filing of the petition with the Board, was, at the time filed* ***OR*** *begun, barred by the statute of limitations properly applicable thereto.*

Sec. 205. *Compensation shall* ***NOT*** *be considered as compensation within the meaning of sections 201, 202, and 203 to the extent that it is* ***paid directly OR indirectly by the United States OR any agency OR instrumentality thereof****.*

Sec. 206. *The terms used in this Act shall have the same meaning as when used in Chapter I of the Internal Revenue Code.*

Sec. 207. ***NO*** *collection of any tax (including interest, additions to tax, and penalties) imposed by any State, Territory, possession* ***OR*** *local taxing authority on the compensation, received before January 1, 1939, for personal service as an* ***officer OR employee of the United States OR any agency OR instrumentality*** *thereof which is* ***exempt from Federal income taxation*** *and, if a* ***corporate agency OR instrumentality****, is one* ***(a)*** *a majority of the stock of which is* ***owned by OR*** *on behalf of the United States,* ***OR (b)*** *the power to appoint* ***OR*** *select a majority of the board of directors of which is exercise-able by* ***OR*** *on behalf of the United States, shall be made after the date of the enactment of this Act.*

Sec. 208. *This title shall* ***NOT apply*** *with respect to* ***any officer OR employee of a State, OR any political subdivision thereof, OR any agency OR instrumentality*** *of any one* ***OR*** *more of the foregoing, after the* ***Secretary of the Treasury*** *has determined and proclaimed that it is the* ***policy of such State*** *to collect from* ***any individual*** *any tax, interest, additions to tax,* ***OR*** *penalties, on account of compensation received by* ***such individual*** *prior to January 1, 1939,* ***for personal service as an officer OR employee of the United States OR any agency of instrumentality thereof****. In making such determination the* ***Secretary of the Treasury shall disregard the taxation of officers and employees of any corporate agency OR instrumentality which is NOT exempt*** *from Federal income taxation,* ***OR*** *which if so exempt is one (a) a majority of the stock of which is* ***NOT*** *owned by* ***OR*** *on behalf of the United States and (b) the power to appoint* ***OR*** *select a majority of the board of directors of which is* ***NOT*** *exercise-able by* ***OR*** *on behalf of the United States.*

Sec. 209. In the case of judges of the Supreme Court, and of the inferior courts of the United States created under article III of the Constitution,

*who took office on **OR** before June 6, 1932, the compensation received as such shall **NOT** be subject to income tax under the Revenue Act of 1938 **OR** any prior revenue Act.*

***Sec. 210.** For the purpose of this Act, the term "**officer OR employee**" includes a member of a legislative body and a judge **OR** officer of a court.*

***Sec. 211.** If either title of this Act, **OR** the application thereof to any person **OR** circumstances, is held invalid, the other title of the Act shall **NOT** be affected thereby.*

Approved, April 12, 1939.

The "*Buck Act*" of 1940.
Wednesday, October 9, 1940.

See: More About This Act In Future Classes.

Buck Act. Oct. 9, 1940, chapter 787, 54 Stat. 1059 (see 4 U.S.C. 105-110). Senate Report No. 1625, 76th Congress, 3d Session, 2 (1940).

Congress Created Federal States In 1939
Over The Same Areas As The Republican States.
Zip Codes Are Used To Designate The Difference AZ. OR Ariz.

¶158. Fact-57. So Congress then created ***federal states***, which ***occupy*** the ***same area*** as the ***state republics***. To tell the two apart ***abbreviations*** were ***created*** to ***designate*** the ***difference***. So the republic of ***Arizona*** became the federal "STATE OF ARIZONA" spelled in all upper case letters, and was abbreviated AZ, instead of Ariz. So, anytime you use the two letter abbreviation AZ; you are designating a federal area and ***NOT*** a sovereign state. What address do you use? ***Are you declaring yourself to be in a federal area? If you are then you are liable for income tax.*** This federal area would also extend to any contract you signed in which you used your social security number for identification.

Filing Cases In A "Federal Judicial District" Instead Of
In A *Sovereign* "State".

¶159. Fact-58. ***The federal legal system has done the same thing***. When you file a federal court case, it is ***NOT*** filed in any state, it is filed in a ***federal district***. The heading on the court documents do ***NOT*** say IN THE STATE OF COLORADO. It says IN THE DISTRICT OF COLORADO. The states are ***NOT*** sovereign states, for court jurisdiction, they are federal districts.

> **District courts.** ***Each state is*** *comprised of one* ***OR*** *more federal judicial districts, and in each district there is a district court.* ***28 U.S.C.A. 81.*** *The United States district courts are the trial courts with general Federal jurisdiction over cases involving federal laws of offenses and actions between citizens of different states. Each state has at least one district court, though many have several judicial districts (e.g. northern, southern, middle districts)* ***OR*** *divisions. There is also a United States district court in the District of Columbia.*
>
> **Title 28 United States Code. Judiciary and Judicial Procedure §81 – Supreme Court.**
> §1251. Original jurisdiction
> [§1252. Repealed. Pub. L. 100–352, § 1, June 27, 1988, 102 Stat. 662]
> §1253. Direct appeals from decisions of three-judge courts
> §1254. Courts of appeals; certiorari; certified questions
> [§§1255, 1256. Repealed. Pub. L. 97–164, title I, § 123, Apr. 2, 1982, 96 Stat. 36]
> §1257. State courts; certiorari
> §1258. Supreme Court of Puerto Rico; certiorari
> §1259. Court of Appeals for the Armed Forces; certiorari
> §1260. Supreme Court of the Virgin Islands; certiorari

The "STATE OF ARIZONA" IS *NOT* A Sovereign State,
It's Court Jurisdiction Is In A Federal Districts.
It Is A Military Court Under The
National Emergency As Of 1933.

¶160. Fact-59. And ***ALL*** these federal court districts are ***ALL*** under the national emergency declared in 1933 and are now ***military courts***.

Domestic & *Non-Domestic* Mail Jurisdictions.

¶161. Fact-60. ***The Post Office has also jumped on the band wagon, which is privately owned by Rockefeller.*** As we know, the federal government, United States, is considered a foreign country, in relation to the several states of the union. So, any mail sent within the jurisdiction of the United States proper, 10 miles square, would be ***domestic***. Any mail sent to another jurisdiction, the 50 states or foreign countries, would be ***non-domestic***. To show the difference, ***ALL domestic*** mail was given a zip code. ***There are NO zip codes for non-domestic mail. So, if you use a zip code in your address, you are identifying your location as a federal domestic area.***

ALL Corporate Departments *[Agencies]* Are Federal Corporate Jurisdictions. They Are *ALL* Domestic. *They Do NOT Apply To State Republics.*

¶162. Fact-61. ***And the IRS. The federal tax statutes only apply within federal jurisdiction.*** They do ***NOT*** apply within the boundaries of a ***state republic***, as we have learned. That's why the tax department of the corporate U.S. is called the ***Department of Internal Revenue.*** It only applies ***within corporate U.S. jurisdiction***. That jurisdiction does ***NOT*** extend to the 50 republic states, UNLESS you claim to be a **U.S. citizen** ***[a.k.a. [43] citizen of the United States]***. Then you are **subject to** the jurisdiction of the corporate U.S. (14th amendment) and the taxes are for **internal** revenue purposes.

The American & Fringed Admiralty Flags, Which Indicate

¶163. Fact-62. There is one more proof of the martial rule in existence today. ***Whenever there is a military occupation, what is the first thing the occupying forces***

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43 **Title 46 – Shipping. Subtitle I-General, Chapter 1-Definition §104: Citizen of the United States. §104. Citizen of the United States.**
In this title, the term **"citizen of the United States"**, when used in reference to a natural person, means an individual who is a **national of the United States** as defined in section 101(a)(22) of the Immigration and Nationality Act (Title 8 – Aliens and Nationality. U.S.C. 1101(a)(22)). (Pub. L. 109–304, §4, Oct. 6, 2006, 120 Stat. 1486.)

do? They put up their flag to show everyone who is in command of that territory! Who controls ALL the commercial disputes today? If you have a legal conflict with someone over some property, where do you go? To the courts! So if you want to know the real status of our political situation ***ALL*** you have to do is go into the nearest courtroom and look at the flag. ***But for that to mean anything to you, you MUST know a little about flags.***

¶164. Fact-63. The true American flag is red white and blue. There is ***NO*** gold fringe around the edge.

What Does This Gold Fringe Indicate?

¶165. Fact-64. The opinion of U.S. Attorney General John G. Sargent:

> **34 Opinion Attorney General 483, 484, 485, 486 (1925).**
> *From the correspondence attached to the letter of President Harding, above mentioned, it would seem that doubts have been expressed in some quarters as to the* ***propriety*** ***of attaching a fringe of yellow silk to the colors and standards used by troops in the field. The use of such a fringe is*** *prescribed in Army Regulations No. 260-10. In a circular dated March 28, 1924,* ***The Adjutant General of the Army thus refers to the matter of the fringe:***
>
> *"For a number of years there has been prescribed in Army Regulations a knotted fringe of yellow silk on the national standards of mounted regiments and on the national colors of unmounted regiments. The War Department, however, knows of* ***NO*** *law which either requires or prohibits the placing of fringe on the flag of the United States.* ***NO*** *Act of Congress* ***OR*** *Executive order has been found bearing on the question. In flag manufacturing a fringe is* ***NOT*** *considered to be a part of the flag, and it is without heraldic significance. In common use of the word it is a fringe and* ***NOT*** *a border.* ***Ancient custom sanctions the use of fringe on the regimental colors and standards, but here seems to be NO good reason or precedent for its use on other flags."***

¶166. Fact-65. ***The presence, therefore, of a fringe on military colors and standards does NOT violate any existing Act of Congress.*** *It's use or disuse is a matter of*

practical policy, to be determined, *in the absence of statute,* ***by the Commander in Chief****. If the fringe is used, its color and size are matters of detail* ***which may be determined by the same authority.***

¶167. **Fact-66.** Well let's look at the ***regulations*** for flags that HAVE been issued. ***The only direct authority for the use of fringe on the American flag is in the Army regulations***.

> **Army Regulation 840-10, 2.3(b)** (1979) states:
> **b.** *National flags listed below are for indoor displays and for use in ceremonies and parades. For these purposes* ***the United States flag will be rayon banner cloth,*** *trimmed on three sides with golden yellow fringe, 2 1/2 inches wide.*
>
> ***Army Regulation 840-10, 2.3(c)*** states:
> **c.** Authorization for indoor display. ***The flag of the United States is authorized for indoor display for:***
> **(1)** each office, headquarters, and organization authorized a positional color, distinguishing flag, or organizational color;
> **(2)** each organization of battalion size or larger, temporary or permanent, ***NOT*** otherwise authorized a flag of the United States;
> **(3)** each military installation ***NOT*** otherwise ***authorized*** an indoor flag of the United States, for the purpose of administering oaths of office;
> **(4)** ***each military courtroom;***
> **(5)** each US Army element of joint commands, military groups, and missions. One flag is ***authorized*** for any one headquarters operating in a dual capacity;
> **(6)** each subordinate element of the US Army Recruiting Command;
> **(7)** each ROTC unit, including those at satellited schools;
> **(8)** each reception station.

¶168. **Fact-67.** ***Did you see anything there about use in a NON-MILITARY court of law?*** So if there is a gold fringe around the flag in your courtroom, you are in a military courtroom! We are under martial law!

¶169. Fact-68. This is ***confirmed*** by **4 U.S.C. (United States Code) Chapter 1, Sections 1, 2 & 3.**

> *"... a military flag is a flag that resembles the regular flag of the United States, except that it has a yellow fringe border on 3 sides."*

The Bottom Line!!!

¶170. Fact-69. You are either a ***sovereign*** or a ***slave***. Act the part you choose.

¶171. Fact-70. We are operating under ***Public Policy***, ***NOT Public Law***. There are ***NO*** laws to ***uphold***! And ***NO Constitutional courts or agencies*** to ***hear*** them in!

¶172. Fact-71. We are operating under ***stare decisis***. ***The latest court case is*** the ***new law***, if they want to use it to their advantage. ***They will ignore it, if it is to our advantage***!

¶173. Fact-72. We are operating under ***necessity***. The needs of the de facto government and public opinion ***take priority over our inalienable rights***.

¶174. Fact-73. Any argument we present in court, that would expose the truth about the de facto government, ***OR*** prove their ***FRAUD***, will be ***dismissed as frivolous and without merit***. ***Supposedly we have failed to state a claim upon which relief can be granted***. ***Which means they will refuse to give us relief***, even if we are right! ***So, we lose, because relief will NOT be granted! An Attorney General once said to me quote, "Mushroom DO NOT do well in the light" unquote.***

¶175 Fact-74. ***Federal areas were created to cover the same areas that the republican states occupy***. Claiming to be in one of these federal areas, supposedly, brings us ***under the jurisdiction of the federal government as U.S. citizens [a.k.a. citizens of the United States]***.

Fact, ALL courts and agencies today are military courts and agencies set up under martial law, under national emergency. Just look at the flag of the occupying force. "We the Sheep" are like the sovereign American Indians on the reservation, claiming that our treaties are NOT being honored. And again, we are being told, SHUT UP!

Fact, When it gets right down to the bottom line, the law of the old west still prevails. The ones with the biggest and fastest guns wins! Period.

"Those Who Already That Walk
Submissively Will Say There Is NO Cause For Alarm."...

Quote By ***William O. Douglas,***
Associate Justice of the Supreme Court,
From His Book ***"Points of Rebellion"***
See: Laird Versus Tat.

"But submissiveness is *NOT* our heritage. The First Amendment was designed to *ALLOW REBELLION* to remain as our heritage. The Constitution was designed to keep government *off the backs* of the people. The Bill of Rights was added to keep the precincts of belief and expression, of the press, of political and social activities *FREE* from surveillance. The Bill of Rights was designed to keep *AGENTS OF GOVERNMENT AND OFFICIAL EAVESDROPPERS* away from assemblies of people. The aim was to allow men to be *FREE* and *INDEPENDENT* and to *ASSERT* their rights against government."

VERIFICATION, and CERTIFICATE OF SERVICE

¶176 Based upon the Declarant, ***Michael Willis*** of the Chase Family, Principal Creditor for MICHAEL WILLIS CHASE™ sincerely held religious education and training, Declarant knows the Word of our Creator prohibits the swearing to tell the truth by any oath or affirmation, or signing any paper **"*under the penalty of perjury*"** as these are oaths, prohibited by our **Creator** Holy Scriptural Law, because Psalm

116:11 ***"all men are lairs"*** as revealed through The Creator Holy Scriptural Law. Declarant quotes the following declared evidence in our **Creator** Holy Scripture Law by the former tax-gather ***Matthew*** who was well qualified to produce evidence. He records fully the discourses of ***Yeshua ben Yosef*** and declares the following evidence: The Apostle ***Matthew***'s testimony in the King James Version: Matthew 5:33-37 ***"Again, ye have heard that it was to them of old time, Thou shalt not forswear thyself, but shall perform unto the Lord thine oaths: But I say unto you, SWEAR NOT AT ALL; neither by the heaven; for it is the throne of Yahweh; nor by the earth; for it is the footstool of his feet; nor by Jerusalem; for it is the city of the great King. Neither shalt thou swear by thy head, because thou canst not make one hair white or black. But let your speech be, Yea, yea; Nay, nay; for whatsoever is more than these is of the evil one."***

¶177. I, ***Michael Willis*** of the Chase Family, the Declarant, I Am, the identified party in the above entitled **"FOR THE RECORD: DECLARED WITNESSED TESTIMONY OF *MICHAEL WILLIS* OF THE CHASE FAMILY. NO NEXUS OF CONTRACT FROM JOHN DAVID NAPPER, NO NEXUS OF CONTRACT FROM ADULT PROBATION DEPARTMENT, NO NEXUS OF CONTRACT TO PAY FINES/FEES, NO REMEDY TO PAY FEE/FINES, SILVER DOLLAR COIN IS THE ONLY DOLLAR IN LAW. BY DECLARED WITNESSED TESTIMONY BY *MICHAEL WILLIS OF THE CHASE FAMILY*"** By Asseveration, and know the contents thereof. I declare that the above is correct and certain to the best of my knowledge. I do claim all my Rights at all times, and waive none of my Rights at anytime, for any cause or reason.

¶178. ***Michael Willis*** of the Chase Family, Principal Creditor for MICHAEL WILLIS CHASE™ herein declares: THAT ***Michael Willis*** of the Chase Family is competent to state to the matters set forth herein. THAT ***Michael Willis*** of the Chase

Family has personal knowledge of the facts stated herein. THAT all the *FACTS* stated herein are correct and certain to the best of ***Michael Willis*** of the Chase Family knowledge, are admissible as evidence, and if called upon as a witnesses, ***Michael Willis*** of the Chase Family will testify to their veracity. THAT ***Michael Willis*** of the Chase Family states the following facts;

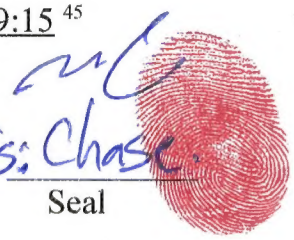
¶179. Further, Declarant sets forth declared evidence in the **Creator** Holy Scriptural Law by the Apostle ***James*** who was well qualified to produce evidence: ***James***, the Apostle and bond-servant of ***YAHWEH*** and of ***Yeshua ben Yosef*** as witness: James 5:12 [44]

¶180. This named Declarant below does here by declare that the preceding and the following statements are the facts, here by verified as he knows them, and are correct, and certain to the best of his knowledge. Deuteronomy 19:15 [45]

Dated this 20th day of May, 2022..

Autograph: :Michael-Willis: Chase: _____

Michael Willis of the Chase Family, Seal



In Propria Persona, Principal Creator for MICHAEL WILLIS CHASE™, which is a Corporate Identity, a Legal Fiction in all uppercase, a decedent. All rights reserved.

Steven Lee McMillan - As Witness

Paul Thorit: Agneberg - As Witness

I, ***Michael Willis*** of the Chase Family, do hereby certify that I hand-delivered an original copy of this correct and complete autographed and sealed instrument titled, **"FOR THE RECORD: DECLARED WITNESSED TESTIMONY OF *MICHAEL WILLIS* OF THE CHASE FAMILY. NO NEXUS OF CONTRACT FROM**

44 James 5:12 ***"But above all things, my brethren, swear NOT, neither by heaven, neither by the earth, nor by any this oath: but let your yea be yea; and your nay, nay; that ye fall not under judgment."***

45 Deuteronomy 19:15 ***"at the mouth of two witnesses or at the mouth of three witnesses shall the matter be established"***

JOHN DAVID NAPPER, NO NEXUS OF CONTRACT FROM ADULT PROBATION DEPARTMENT, NO NEXUS OF CONTRACT TO PAY FINES/FEES, NO REMEDY TO PAY FEE/FINES, SILVER DOLLAR COIN IS THE ONLY DOLLAR IN LAW. BY DECLARED WITNESSED TESTIMONY BY *MICHAEL WILLIS OF THE CHASE FAMILY*" dated May 20th, 2022, to the COUNTY OF YAVAPAI COURT CLERK located at Yavapai County Superior Court located at 2840 North Commonwealth Drive, CITY OF CAMP VERDE, COUNTY OF YAVAPAI, STATE OF ARIZONA, THE UNITED STATES OF AMERICA [86303]. And, I Hand Delivered an original copy of this correct and complete autographed and sealed instrument dated Dated this 20h day of May, 2022 to the COUNTY OF YAVAPAI prosecutors SHELIA POLK, KENNEDY KLAGGE, STEPHANIE SANKEY, GLEN M. ASAY, GEORGE RODRIGUEZ, LORILEI CASE, KRISTY MATHESON-PARKS on behalf of the Plaintiff, OFFICE located at, 2830 Commonwealth Drive, CITY OF CAMP VERDE, COUNTY OF YAVAPAI, STATE OF ARIZONA, THE UNITED STATES OF AMERICA [86322]. Further, I, ***Michael Willis*** of the Chase Family, do hereby certify that I certified mailed a file stamped copy of this correct, complete autographed, and sealed instrument to Petitioner. Who holds the original of said instrument, file-stamped, as ***Michael Willis*** of the Chase Family property.

Dated this 20h day of May, 2022.

Autograph: :Michael-Willis: Chase. M.C.

Michael Willis of the Chase Family, Seal

In Propria Persona, Principal Creditor for MICHAEL WILLIS CHASE™, which is a Corporate Identity, a Legal Fiction in all uppercase, a decedent. All rights reserved.

Steven Lee McMillan - As Witness

Paul Thorit: Agneberg - As Witness